

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*MOBILE SOURCE OPERATIONS SECTION*

<b>OPERATIONAL PROCEDURE</b>	<b>NUMBER</b> 8	<b>EFFECTIVE DATE:</b> November 28, 1994 <b>Revised:</b> June 15, 2011
<b>SUBJECT</b> Exemption of Non-Conforming Vehicles	<b>ORIGINATING UNIT</b>  Mobile Source Operations Section	

A "Non-Conforming Vehicle" is one that is not manufactured for sale in the United States (U.S.) to conform to emissions standards established by the federal government (9 VAC 5-91-20). These vehicles are exempt from the vehicle emissions inspection requirement of §46.2-1177.3 of the Air Pollution Control Law of Virginia).

Although the federal EPA no longer allows non-conforming vehicles into the U.S., a significant number of these non-conforming vehicles were imported into the United States in earlier years under a variety of programs including a 5-year personal use exemption, over 21 model year exemption, hardship exemption, etc. Owners of vehicles imported under these various programs will have U.S. EPA and/or Customs documentation.

The primary method to determine a vehicle's non-conforming status is the submittal of documentation indicating its non-conforming vehicle status. (Attachment 1, U.S. EPA Automotive Imports Facts Manual and U.S. EPA Form 3520-1, Attachments 2 & 3) Absent clear import documentation, additional clarification on release letters and/or a given vehicle's import status must be obtained from the EPA. (Attachment 4) Vehicles that do not appear to be U.S. models but for which there is no documentation to support non-conforming status will not qualify for a non-conforming exemption until such documentation is supplied.

Vehicles imported by foreign diplomatic or military personnel for personal use are exempt from the vehicle emissions inspection program under the terms of the North Atlantic Treaty Organization (NATO) Treaty. Such vehicles will be treated as non-conforming and exempted. Diplomatic or foreign military will present other documentation, orders, etc. in addition to the U.S. EPA Form 3520-1.

In order to be eligible for import, other than for the exceptions noted above, the U.S. EPA requires owners of vehicles that are not U.S. certified vehicles to use an Independent Commercial Importer (ICI). The ICI is required to modify and test the vehicle to meet U.S. emissions standards. Because of this requirement, the U.S. EPA has historically considered the ICI to be the "manufacturer" of the affected motor vehicle. Thus DEQ considers vehicles that are imported as required by an ICI to be U.S. models; they are therefore subject to the vehicle emissions inspection requirement and will not qualify as "non-conforming" vehicles." The U.S. EPA Kit Car Policy (Attachment 5) may also have relevance for certain imported vehicles/kit cars.

Upon verification of non-conforming status, a memorandum of exemption from the vehicle emissions inspection requirement may be approved. A letter of exemption (Attachment 6) and memorandum to the Department of Motor Vehicles (Attachment 7) shall be prepared. The vehicle's owner is issued the original letter and memorandum after a copy has been made to retain on file with copies of other supporting documentation regarding that vehicle. A log will be maintained in the Northern Regional Office's common computer drive for any vehicle that has been granted such an exemption for potential future needs.

## Attachments

1. U.S. EPA – Automotive Imports Facts Manual
2. U.S. EPA Form 3520-1 (Rev 10-10)
3. U.S. EPA Form 3520-1 (Rev 01-2011)
4. Example of U.S. EPA Letter exempting importation requirements
5. U.S. EPA Kit Car Policy
6. DEQ Letter of Non-Conforming Exemption (Example)
7. DEQ Memo to DMV Regarding Non-Conforming Status (Example)



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EPA 420-13-94-006, October 1995

## Automotive Imports Facts Manual

### U. S. Environmental Protection Agency Requirements Only



ATTACHMENT 1

#### Disclaimer.

This facts manual is produced by the U.S. Environmental Protection Agency (EPA) and is updated periodically. It is the responsibility of the importer to refer to the most recent version of the facts manual when importing motor vehicles. Updates to the facts manual may be obtained from the EPA free of charge.

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## IMPORTERS BEWARE!

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### NON-CONFORMING (NON-U.S. VERSION) VEHICLES

EPA strongly recommends that prospective importers buy only U. S. version (labeled) vehicles, because of the expense and potential difficulties involved with importing a non-U.S. version vehicle.

EPA strongly recommends that current owners of non-U.S. version vehicles sell or otherwise dispose of those vehicles overseas rather than ship and import them into the U.S., because of the expense and potential difficulties involved with importing a non-U.S. version vehicle. The EPA policy which permitted importers a one-time exemption for vehicles at least five years old has been eliminated.

Before shipping a non-conforming vehicle for importation, EPA strongly recommends that the importer either make final arrangements with an ICI for modifications and testing, or obtain

EPA approval in writing for importation. Storage fees at the ports are costly, and the vehicle may not be eligible for importation. <http://www.epa.gov/otaq/imports/factmtoc.htm>  
Not all non-conforming vehicles are eligible for importation, and ICIs are not required to accept vehicles for which they have qualifying certificates of conformity.  
EPA certification of ICIs does not guarantee the actions or work of the ICIs, nor does it regulate contractual agreements and working relationships with vehicle owners.

## **U.S. VERSION VEHICLES**

U.S. version vehicles driven overseas may need to be bonded upon importation. The catalysts and oxygen sensors may need to be replaced on U.S. version vehicles driven overseas. The vehicle's emission control system, drive train (including engine), and fuel system, will need to be restored to its original EPA-certified configuration if those systems or components are altered, damaged, malfunctioning or missing.

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# **AUTOMOTIVE IMPORTS FACTS MANUAL**

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## Importing Vehicles and Engines

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### Section A - Introduction

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Importing motor vehicles and motor vehicle engines (hereafter referred to collectively as vehicles) into the United States can be a very complex and confusing process. Before importing any vehicle into the U.S., importers need to consider the EPA requirements. This **Automotive Imports Facts Manual** guides individuals through the necessary steps for importing vehicles into the United States. The vehicle emission regulations and requirements discussed in this manual are based on Title II of the Clean Air Act (Act) and volume 40 of the Code of Federal Regulations, Part 85; subparts P and R. You may find the Federal Regulations in the September 25, 1987 **Federal Register** Vol. 52, No. 186, pages 36136 - 36164.

#### How to Use this Manual

This manual is designed to direct importers through the proper procedures for importing their vehicle. To use the manual effectively, importers will likely need to know some or all of the following information listed below:

1. the year the vehicle was originally manufactured
2. the model year, make and model of the vehicle (i.e. 1990 Chevy Lumina)
3. whether the vehicle conforms to US emission requirements (generally, conforming vehicles are labeled by the manufacturer as meeting EPA emission requirements)
4. the type of fuel the vehicle uses (e.g., gasoline, diesel, propane, etc.)
5. whether the vehicle was manufactured with or without a catalytic converter
6. the gross vehicle weight rating (GVWR) for trucks

There are three primary questions for determining the general method of importation of a vehicle (see the [Importation Flow Chart](#)). The first is to determine if the vehicle is *excluded* by the Act from meeting Federal emission requirements. If it is excluded, you should follow the instructions given in the section "Excluded Vehicles." If your vehicle is not excluded, the next question is whether you desire a *temporary* or *permanent* importation. If you are importing your vehicle only temporarily, you should follow the instructions given in the section "Temporary Importations." If your importation is permanent, the third question is whether your vehicle is a U.S. *version vehicle*, a *Canadian vehicle*, or a *non U.S. / Canadian version vehicle*. You can go to each one of those titled sections and follow the specific instructions for importing your vehicle.

#### EPA Entry Form

An EPA importation declaration form (EPA Form 3520-1) must be submitted to the U.S. Customs Service for most vehicle importations. The most recent version of the EPA Form 3520-1 must be used and may be obtained from U.S. Customs or a Customshouse Broker at the port of entry. A copy of this form is also provided in this manual as Attachment 6a in Section C. This Automotive Imports Facts Manual will help you determine which declaration code must be entered in block 8 of the EPA Form 3520-1 for your vehicle (see [Figure 1](#) below). There is only one situation in which the importer does not need to submit the EPA Form 3520-1 to U.S. Custom: An original equipment manufacturer (OEM) importing new certified vehicles.

**EPA Declaration**

United States Environmental Protection Agency  
 Department of State, Bureau of Consular Affairs  
 Office of Motor Vehicle and Motor Vehicle Equipment Importation  
 Washington, D.C. 20520-4500

Form No. 3520-101  
 (Rev. 10-1990)

1. Importer's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

2. Vehicle Information: \_\_\_\_\_  
 Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_  
 VIN: \_\_\_\_\_

3. EPA Declaration Code: \_\_\_\_\_  
 (see page 2-4 for codes)

4. Emissions: \_\_\_\_\_  
 (see page 2-4 for codes)

5. Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_

## Emissions Testing

The Federal emission testing requirements are based on complex laboratory testing procedures as described in 40 CFR Part 86. The emissions are measured while the vehicle is being driven in the laboratory on a chassis dynamometer. The vehicle is driven through a specific driving cycle representing a typical urban drive of 10.5 miles, takes 14 to 36 hours, and includes fuel filling, starting, stopping, accelerating, decelerating, cruising, idling, and sitting while parked\*. The emissions measured include hydrocarbons (H C), Carbon Monoxide (CO), Nitrous Oxides (NOx), Evaporative emissions, and particulate emissions. Commercially, testing for light-duty vehicles (e.g., passenger cars) typically costs about \$1,000. State emission tests are typically much shorter, simpler, and cheaper, and measure only HC and CO. EPA does not accept the results of state emission tests to demonstrate compliance with Federal emission standards.

\* The testing details described above represent the Federal emission testing requirements for light-duty vehicles (cars) and light-duty trucks. Heavy-duty engines are tested on an engine dynamometer (not mounted in a truck, bus, etc.) and have different testing procedures.

## Non-emission Requirements

This manual describes only the EPA requirements, that is, only those related to emissions and only those required by the Federal government. Importers of vehicles must also comply with the requirements of other Federal Agencies (e.g., Department of Transportation for safety requirements, Internal Revenue Service for gas guzzler taxes, and U.S. Customs Service for tariffs, duties, etc.) as well as those of State and local governments (see [Non-Emission Requirements](#) for applicable Federal government contacts).

## Contractual Agreements with Independent Commercial Importers

To lessen your chances at being surprised later with unexpected costs or lengthy delays, EPA highly recommends that anyone importing a vehicle through the services of an Independent Commercial Importer (ICI) should obtain a written contractual agreement which addresses typical buyer concerns, such as:

1. Does the ICI have the necessary EPA certificate to import the vehicle?
2. Is the price quoted a fixed price, regardless of the number of tests required for importation or will there be additional charges for each additional test, and if so, at what additional charge?

3. Is the ICI obligated to inform the owner prior to incurring any additional charges?
4. Is the time required to successfully demonstrate compliance quoted?
5. Does the owner have any right to terminate the services of the ICI if costs become too high or the time involved too long?

## GLOSSARY

<b>ACT</b>	The Clean Air Act, as amended (42 U.S.C. 7401 <i>et seq.</i> ). The Act requires EPA to regulate emissions from light-duty vehicles, light-duty trucks, motorcycles, and the engines used in heavy-duty vehicles and heavy-duty trucks. Violations of the Act can result in civil penalties of up to \$25,000 per violation.
<b>CERTIFICATE OF CONFORMITY</b>	The document issued to a vehicle manufacturer by EPA under section 206(a) of the Act A certificate of conformity certifies that a particular class of motor vehicles conforms to the EPA requirements. Every class of motor vehicles introduced into the commerce of the U.S. must have a certificate of conformity, and they are valid for only one model year of production.
<b>CERTIFICATE HOLDER</b>	Manufacturer holding a valid certificate of conformity issued by EPA.
<b>CERTIFIED</b>	Covered by a Certificate of Conformity issued by EPA
<b>EMISSIONS TEST(ING)</b>	As used in this document, "emission test" is used as a convenient abbreviation for the collection of all applicable Federal emission test procedures. This should not be confused with the much simpler and cheaper emission test required by many states, and conducted by garages and dealers.
<b>EPA</b>	Environmental Protection Agency
<b>GVWR</b>	Gross vehicle weight rating
<b>HEAVY-DUTY TRUCK OR VEHICLE ENGINE (HDE)</b>	Any engine to be used in a heavy-duty truck or heavy-duty vehicle for the purpose of propelling the truck or vehicle.
<b>HEAVY-DUTY DIESEL ENGINE (HDDE)</b>	A Heavy-duty engine that runs on diesel fuel.
<b>HEAVY-DUTY GASOLINE ENGINE (HDGE)</b>	A Heavy-duty engine that runs on gasoline.
<b>HEAVY-DUTY VEHICLE (HDV) or HEAVY-DUTY TRUCK (HDT)</b>	Generally, any vehicle (including buses) having a GVWR of greater than 8500 pounds, or curb weight of more than 6000 pounds.
<b>INDEPENDENT COMMERCIAL IMPORTER (ICI)</b>	A commercial importer of vehicles who is not an original equipment manufacturer (OEM) or does not have a contractual agreement with an OEM to act as its authorized representative for the distribution of vehicles in the U.S. market. An ICI is considered to be a manufacturer when it modifies a nonconforming vehicle.
<b>LIGHT-DUTY TRUCK (LDT)</b>	Vehicles (generally pickup trucks and vans) of 8500 pounds GVWR or less that are designed principally for carrying cargo, not passengers.
<b>LIGHT-DUTY VEHICLE (LDV)</b>	Automobile, passenger car, etc.
<b>MODEL YEAR</b>	The vehicle manufacturer's annual production period. (eg., vehicles manufactured in January 1994 are considered to be part of the 1994 model year). If the manufacturer has no annual production period (e.g., the model year is not explicitly specified by the manufacturer for many vehicles manufactured for sale in foreign countries), the model year is considered to be the calendar year in which a vehicle is manufactured. For a vehicle modified by an ICI, the ICI's model year is the calendar year in which it modifies the vehicle.
<b>NONCONFORMING VEHICLE</b>	A vehicle that is not covered by a certificate of conformity prior to importation into the U.S. (either a final or conditional importation) and

which has not been finally admitted into the United States by EPA. Vehicles claimed to be U.S. certified vehicles driven overseas are generally presumed to be nonconforming until proven otherwise, including for the presence and proper functioning of all emission related components.

<http://www.epa.gov/otaq/imports/factmna.htm>  
Last updated on Friday, August 17, 2007

**ORIGINAL  
PRODUCTION (OP)  
YEARS OLD**

A vehicle's age, determined by subtracting the calendar year in which it was originally manufactured from the calendar year of importation (e.g., a vehicle built by a European manufacturer in 1986 and imported into the U.S. in 1988 would be two original production years old).

**ORIGINAL EQUIPMENT  
MANUFACTURER  
(OEM)**

The manufacturer that originally produced the vehicle or heavy-duty engine (e.g., Ford, Mercedes Benz, etc.)

**USEFUL LIFE**

The legal life of a vehicle during which the manufacturer is responsible for meeting emission requirements and offering an emissions warranty. (i.e., For cars built from January 1, 1968 to the 1993 model year, the useful life is five years or 50,000 miles, whichever ever occurs first. A longer useful life of ten years or 100,000 miles which ever occurs first, is being phased in with the 1994 model years).

**VEHICLE**

As used in this manual, "vehicle" is used as a convenient abbreviation for the collection of all categories of motor vehicles and motor vehicle engines. Specifically, it includes cars, motorcycles, light-duty trucks, heavy-duty vehicles, heavy-duty trucks, and heavy-duty engines.

**VIN**

Vehicle Identification Number





## Importing Vehicles and Engines

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# Section B - Detailed Importing Requirements

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## 1. Excluded Vehicles

Excluded vehicles are those vehicles that have been excluded from the emission requirements of the Clean Air Act. These vehicles are excluded by either their age (i.e., manufactured prior to the regulations), the type of fuel the vehicle uses, the maximum speed of the vehicle, or the lack of features associated with safe and practical street or highway use. Excluded vehicles may be imported by anyone. No bond is required by EPA.

### a. Exclusions Based on Age

The vehicle is a:	Declare code:
Light-duty gasoline-fueled car or truck built before January 1, 1968	E (formerly R)
Light-duty diesel-fueled car built before January 1, 1975	E (formerly S)
Light-duty diesel-fueled truck built before January 1, 1977	E (formerly T)
Motorcycle built before January 1, 1978	E (formerly U)
Heavy-duty engine (gasoline or diesel-fueled) built before January 1, 1970	E (formerly V)

### Requirements

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "E". Customs may require proof of vehicle age.

### Restrictions

None

### b. Non-Chassis-Mounted Engine

The engine is to be used in a light-duty vehicle (LDV), a motorcycle, or a light-duty truck (LDT). Anyone may import a non-chassis-mounted light-duty motor vehicle engine which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce. The engine may be imported without a Customs bond required by EPA or written EPA approval.

### Requirements

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "W".

### Restrictions

Mounting an engine in a chassis to "manufacture" a LDV, motorcycle, or LDT without the proper certificate of conformity from EPA is a violation of the Clean Air Act;

Mounting an engine in an existing LDV, motorcycle, or LDT that is certified is a violation of the Clean Air Act unless the engine replacement is identical to the engine being replaced; and

The importation of an engine to be used in a heavy-duty vehicle or heavy-duty truck is a violation of the Clean Air Act unless the engine has a proper label indicating that it is covered under a certificate of conformity, or was built prior to 1970, or is otherwise excluded or exempted.

### **c. Off Road Vehicle**

Any 2006 or later model year off road/recreational vehicles are subject to certification in accordance with 40 CFR Part 1051. Exclusion determinations for 2005 or earlier off road/recreational vehicles are based on the **capability** of the subject vehicles, not their intended or principal use. The vehicle:

1. cannot exceed a maximum ungoverned speed of 25 miles per hour over level, paved surfaces, (Vehicles that are governed to a speed of 25 miles per hour or less may be excluded if the governor is deemed sufficiently tamperproof. EPA will make evaluations of governing devices upon request); or
2. lacks features customarily associated with safe and practical street or highway use, such features including, but not limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features by state and/or Federal law, (The mere deletion, removal or absence of features that can be readily added or the lack of U.S. Department of Transportation approval of safety features on the vehicle is not sufficient grounds for exclusion); or
3. exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry, (EPA regards vehicles that exceed any of the Federal weight or dimensional limitations placed on vehicles using the Interstate Highway System to be of an inordinate size). The Interstate limitations include a single axle weight of 20,000 pounds, a tandem axle weight of 34,000 pounds, a vehicle weight of 80,000 pounds, and a width of 102 inches, excluding safety devices. The weight limitations are actual vehicle or axle weights, not weight ratings.)

EPA will make written determinations of exclusion for individual vehicle models upon receipt of dimensions, technical specifications and photographs or drawings of the model in question. While some vehicles can be easily determined to be excluded, particularly those of inordinate size, others require more review. An importer that makes his or her own determination does so at his or her own risk.

Off road/recreational vehicles manufactured on or after January 1, 2006 are subject to EPA certification regulations 40 CFR Part 1051. The new regulations are primarily for 2006 and later model year off road vehicles. Consult the EPA nonroad entry form 3520-21 to determine applicability. The EPA entry form 3520-1 will no longer be used for the importation of off road vehicles.

### **Requirements**

Complete form 3520-21 as applicable, declaring box 1 for 2006 or later model year certified vehicles. If the off road/recreational vehicle was manufactured before January 1, 2006 and is not a 2006 or later model then declare box 17, attaching proof that the vehicle was manufactured in 2005 or earlier and is a 2005 or earlier model and lacks safety or other features required for safe and practical street operation including evidence of inordinate size or weight preventing highway use.

### **Restrictions**

Any 2006 or later model year vehicle must be in accordance with 40 CFR 1051.

Not for use by racing or competition vehicles; and

Vehicle may not be registered or licensed for use on or operated on the public roads or highways. If an imported non-road vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

#### **d. Racing vehicle**

The vehicle has in general been extensively modified for racing, and is incapable of safe and practical street or highway use because it lacks features associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or Federal law. Anyone may import a racing vehicle without a Customs bond required by EPA; however, written EPA approval must be obtained before clearance at Customs.

#### **Requirements**

**You must first receive EPA's approval. Not all vehicles used in races are excluded from emissions compliance.** Determinations are based on the capability of the vehicle, not its intended use. Importer must submit the following information when applying:

1. importer's name, address, and daytime telephone number;
2. vehicle information (make, model, model year and VIN);
3. a list of racing features (features that make the vehicle a racing vehicle);
4. a list of street features lacking (features that have been removed or have never been installed that would permit safe driving on streets or highways);
5. at least 4 photographs showing the front, rear, and each side view; and if a vehicle with an interior, photographs of the interior;
6. the name of the sanctioning body and competition class;
7. a schedule of racing events, including dates and locations where the vehicle will participate;
8. a copy of the competition racing license; and
9. other proof that the vehicle cannot be used on streets and highways, such as a letter from a state's Department of Motor Vehicles that explains the vehicle cannot be licensed for use on public roads, and explains why it cannot be licensed.

Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "L" and attach EPA letter of approval; and

Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### **Restrictions**

Vehicle may not be registered or licensed for use on or operated on the public roads or highways; and

If an imported racing vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

#### **e. Unregulated Fuel Vehicle**

The vehicle runs solely on an unregulated fuel. Regulated fuels are typically gasoline, diesel, ethanol, methanol, CNG, or LPG (including propane) fuels. **For 2004 and later model years, only fuel cell and electric vehicles are unregulated.** Prior to 2004 model year, an exempt fuel vehicle will operate solely on fuel:

1. **other than** gasoline or diesel fuel for model years earlier than 1991,
2. **other than** gasoline, diesel, ethanol, or methanol fuel for 1990-1996 model years,
3. **other than** gasoline, diesel, ethanol, methanol, CNG, or LPG (including propane) for 1997 to 2003.

A dual-fueled or multi-fueled vehicle (such as one that can run on either gasoline or propane) **is regulated if it is capable of running on a regulated fuel.**

#### **Requirements**

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "Y". Converting or re-converting a vehicle that runs solely on an unregulated fuel to run on a regulated fuel without a proper certificate of conformity from EPA is a violation of the Clean Air Act.

## 2. Temporary Importations

Vehicles and engines imported into the U.S. temporarily may be eligible for an exemption from complying with Federal emission requirements. However, **vehicles imported for the purpose of conversion to meet Federal emission requirements must be imported by an ICI** (see Permanent Importations: Non U.S. Versions - "Importations by an ICI"). After the purpose of the exemption has been satisfied, the vehicle must be exported or destroyed. The period of the EPA exemption is the same as that authorized by U.S. Customs for the entry.

There are six types of temporary importation exemptions. Below is a description of each type of exemption along with the requirements you must meet when applying for a specific exemption, and the restrictions that will apply to your vehicle.

### a. Repair/Alteration

The vehicle is imported solely for repair or alteration. Anyone may import a vehicle for repair or alteration; however, a Customs bond is required and written EPA approval must be obtained before clearance at Customs.

#### Requirements

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "G"; and  
Importer must post a bond with U.S. Customs.  
Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### Restrictions

Repair/Alteration exemptions may not be used for the purposes of converting vehicles to meet Federal emission requirements, or for storing vehicles (e.g., temporary storage pending conversion or exportation);  
Vehicle may not be operated on public roads or highways in the U.S. (**NOTE: If driving vehicle on roads is a necessary part of a testing program, see Temporary Importations: "Testing"**);  
Vehicle may not be sold or otherwise transferred to another party in the U.S.; and  
Vehicle must be exported after the repair or alteration, or upon expiration of the exemption, whichever comes first.

### b. Display

The vehicle is imported solely for display. Anyone may import a vehicle for a legitimate display purpose as determined by EPA; however, EPA requires a Customs bond and written EPA approval must be obtained before clearance at Customs. Generally, a legitimate display purpose is in the interest of the general public (e.g., display in a public museum, display at a charity event) or a business (e.g., to test the market for a new product). The use of this exemption for private purposes is not permitted, and offering a nonconforming vehicle for sale, as a gift, or as a prize in the U.S. is a violation of the Clean Air Act.

#### Requirements

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "K"; and  
Importer must post a bond with U.S. Customs.  
Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### Restrictions

Vehicle may not be operated on public roads or highways in the U.S., except for that operation necessary for the display purpose (e.g., filming of vehicle for a movie or advertisement). However, the vehicle must be transported to the display location (e.g. the film/advertisement studio) without driving on the public roads. If vehicle must be driven for the purpose of testing (e.g., demonstrating a brake system), importer must import the

vehicle under the sections Temporary Importations: "OEM Testing" or "Testing Exemption", as applicable;  
Vehicle may not be sold in the U.S., or used for selling (i.e., taking orders for) similar vehicles in the U.S.;  
Vehicle may not be offered as a gift or prize in the U.S.; and  
Vehicle must be exported or destroyed at the end of the display purpose, or expiration of the exemption, whichever comes first.

### c. Testing

The vehicle or engine is being imported for testing purposes involving research, investigations, studies, demonstrations or training. The vehicle or engine may be operated on public roads provided such operation is an integral part of the test program. Anyone may import a vehicle for testing purposes; however, EPA requires a Customs bond and written EPA approval must be obtained before clearance at Customs.

The importer carries the burden of proving that the proposed test program constitutes an appropriate basis for an exemption, and must satisfy all the requirements of 40 CFR 85.1705.

#### Requirements

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "I"; and  
Importer must post a bond with U.S. Customs.  
Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### Restrictions

Vehicle may be driven on public roads and highways in the U.S. only as an integral part of the test program;  
Vehicle may not be sold or otherwise transferred to another party in the U.S.; and  
Vehicle must be exported or destroyed at the end of the test purpose, or expiration of the exemption, whichever comes first.

### d. Diplomat

The vehicle is being imported by a member of the armed forces of a foreign country, or a representative of an international organization, or personnel of a foreign government on assignment in the U.S. who comes within the class of persons for whom free entry has been authorized in writing by the U.S. Department of State; or the vehicle is being imported temporarily for personal use by a member of the armed forces of a foreign country and has official orders for duty in the U.S. Neither Customs bond or EPA approval is required.

#### Requirements

Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "N"; and  
A copy of the U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries, must be attached to Form 3520-1.  
**Documents from foreign governments or other U.S. agencies are not acceptable, except for orders for duty in the U.S. for members of the armed forces of foreign countries.**

#### Restrictions

Vehicle may not be sold or otherwise transferred to another party in the U.S., unless the new owner also has the required U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries, and the new owner submits a new EPA Form 3520-1 to U.S. Customs; and  
Vehicle must be exported at the end of the authorizing assignment, or U.S. Department of State authorization for free entry of vehicle, whichever comes first. Alternately, an Independent Commercial Importer (ICI), may bring the vehicle into compliance with Federal emission requirements. (The ICI must follow the same requirements as if the ICI were importing the vehicle at the time the ICI takes possession of the vehicle; See Permanent Importations: Non U.S. Versions - "Importations by an ICI")

#### **e. Nonresident**

The vehicle is temporarily being imported by a nonresident for personal use by the importer. Only individual nonresidents may import a vehicle through a nonresident exemption. There is no Customs bond required; however, EPA requires written approval must be obtained before clearance at Customs.

#### **Requirements**

Importer must file with U. S. Customs, upon entry, an EPA Form 3520-1 declaring code "O".  
Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### **Restrictions**

Importer must qualify to be a nonresident according to Customs requirements;  
Vehicle may not be sold or otherwise transferred to another party in the U.S.;  
Vehicle must be used primarily for personal use by the importer while in the U.S.;  
Use of this exemption is prohibited if the vehicle is to be used primarily to conduct business, or for principle use by persons other than the importer (or spouse of the importer); and  
Vehicle must be exported after one year, or upon the nonresident departing the U.S., whichever comes first.

### **3. Permanent Importations**

#### **a. U.S. Version Vehicles**

##### **(1) What are U.S. Version Vehicles?**

U.S. version vehicles are vehicles that were: (1) manufactured in conformity with Federal emission requirements, (2) manufactured in accordance with a specific EPA certificate of conformity, and (3) manufactured with a U.S. emissions compliance label in the engine compartment that identifies them in the English language as conforming to all EPA requirements (see ["How to Find the Vehicle Emissions Label"](#)). Many U.S. version cars and light-duty trucks built since the mid 1970s and almost all U.S. version cars and light-duty trucks built since 1980 were originally manufactured with a catalytic converter and/or oxygen sensor.

Not all vehicles equipped with catalytic converters are certified U.S. version vehicles. For example, virtually all catalyst equipped vehicles marketed by manufacturers for sale in Europe are not certified U.S. versions. For a vehicle to be eligible for importation as a U.S. version vehicle, it must have a manufacturer-equipped EPA emissions label in the English language in the engine compartment (or on the frame of a motorcycle, or on the block of a heavy-duty engine), or it must be accompanied by a letter from the U.S. representative of the manufacturer that states the vehicle was originally manufactured to be a U.S. certified version or subsequently converted to conform to EPA requirements. Otherwise, the vehicle will be considered by EPA to be a non-U.S. version vehicle (see ["Non U.S. Version Vehicles"](#)).

##### **(2) Why Does EPA Restrict the Importation of U.S. Version Vehicles?**

EPA must enforce certain requirements to restrict the importation of U.S. version vehicles in which the engine or emissions related components may have been removed, changed, altered, damaged, or contaminated (i.e., with the use of leaded gasoline).

EPA's regulations generally require that the catalytic converter, or catalytic converter and oxygen sensors (as applicable) be replaced in U.S. version vehicles that may have been contaminated with leaded gasoline overseas. The use of leaded fuel in a vehicle equipped with a catalytic converter will affect the ability of the catalyst and oxygen sensors to effectively reduce emissions. In many overseas countries, unleaded fuel is not yet widely available. Also, the vehicle's fuel filler inlet restrictor will have to be replaced if it has been removed or altered to help prevent future filling of the vehicle with leaded fuel.

### **(3) What You Should Know Before Shipping a U.S. Version Vehicle Overseas**

(a) If you believe that unleaded gasoline may not be available in all areas that the vehicle will be driven, you may obtain authorization from EPA to remove the catalyst and oxygen sensors before the vehicle is shipped overseas. Removing the catalyst and oxygen sensors prior to shipping the vehicle overseas protects them from possible contamination from leaded gasoline. The catalyst and oxygen sensors must then be reinstalled when the vehicle returns to the U.S. To obtain EPA authorization to remove the catalyst and oxygen sensors, call the Air Enforcement Division at (202) 564-2417.

(b) EPA has determined that unleaded gasoline is widely available in certain countries: Canada, Mexico, Japan, Australia, Taiwan, Bahama Islands, Western Europe, Hong Kong and South Korea. (Western European countries include Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden Switzerland, and United Kingdom). This list is not inclusive. The vehicle owner is responsible for determining whether unleaded gasoline is readily available in those locations in which the owner intends to operate the U.S. version vehicle.

### **(4) EPA Requirements for Importing a U.S. Version Vehicle**

U.S. version vehicles that have been driven overseas are subject to Federal emission requirements upon importation into the U.S. Below is a description of the requirements and restrictions that will apply when importing your vehicle.

#### **(a) VEHICLE NOT MODIFIED OR ALTERED**

The U.S. version vehicle has not been modified or altered.

##### **Requirements**

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "B"; and  
Importer must be able to demonstrate the vehicle is a U.S. version, upon request by U.S. Customs or EPA.

##### **Restrictions**

None

#### **(b) CATALYST, OXYGEN SENSORS, OR FILLER NECK RESTRICTOR REMOVED OR ALTERED**

The U.S. version vehicle has had its catalyst, oxygen sensors, or filler neck restrictor removed or altered.

##### **Requirements**

Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "F"; and  
The importer must reinstall or replace the catalyst or oxygen sensors or fuel filler neck restrictor, as applicable, after the vehicle is imported.  
If leaded gasoline was used, the importer must, after importation,  
1. Drain the fuel tank and refill it with unleaded gasoline, and  
2. Replace the catalyst and oxygen sensors, if they were left on the vehicle during use of the leaded gasoline.  
Importer must be able to demonstrate the vehicle is a U.S. version, upon request by U.S. Customs or EPA.

##### **Restrictions**

None

## **b. Canadian Vehicles**

Canadian vehicles are certified to Canadian requirements and originally manufactured for sale in Canada (regardless of the country in which they were produced). While many are manufactured to be identical to U.S. certified vehicles with respect to emissions requirements (especially beginning with the 1988 model year), they may be manufactured without a U.S. emissions compliance label identifying them as conforming to U.S. EPA requirements (see [How to Find the Vehicle Emissions Label](#)). If your vehicle contains such a label, it may be imported as a U.S. version vehicle (see [U.S. Version Vehicles](#)). If your vehicle does not contain such a label, you must import your vehicle according to one of the options described below.

**NOTE: These options relate only to compliance with EPA requirements. Your vehicle may also be subject to requirements of the U.S. Department of Transportation, such as lighting and passive restraints, and to the gas guzzler tax of the Internal Revenue Service.**

Canadian vehicles imported into the U.S. are categorized as either identical to U.S. version vehicles or not identical to U.S. version vehicles with regard to emissions requirements.

### **(1) Identical to U.S. Version**

The Canadian vehicle is identical, in all material respects to a U.S. version vehicle identified in an original equipment manufacturer's (OEM's) EPA certification application. Anyone may import a Canadian vehicle identical to a U.S. version vehicle without a Customs bond required by EPA and without EPA approval if the vehicle meets one of the following conditions:

1. the vehicle is a 1988 to 1995 or 1998 to present model year Canadian LDV (passenger car), LDT (including pickup trucks and vans having GVWR of 8500 pounds or less), or HDGE (not motorcycles or HDDEs); or
2. Importer has a letter from the U.S. representative of the OEM stating that when manufactured, the vehicle met all U.S. emission requirements, except possibly for labeling or warranty; or
3. the vehicle is on the EPA list of vehicles considered to be identical to U.S. version vehicles: [List of Canadian Vehicles Considered by EPA to Conform with U.S. Emissions Requirements](#)

### **Requirements**

Importer for personal use must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "EE" and if condition 2 above is applicable, attach the letter from the OEM's U.S. representative.

Importer for resale must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "FF" and if condition 2 above is applicable, attach the letter from the OEM's U.S. representative.

### **Restrictions**

None

### **NOTES:**

1. Generally, EPA only accepts compliance information from the OEM's U.S. representative. However, as an exception to this rule, statements of conformity will be acceptable to EPA as evidence of conformity from OEM Canadian representatives if they are signed by a representative of the vehicle emission compliance department. You should notify the OEM that your Canadian vehicle is being moved to the U.S., so that you may receive any future maintenance or recall notices that may be distributed by the OEM.

### **(2) Not Identical to U.S. Version**

The Canadian vehicle was not manufactured by the OEM to be identical in all material respects to a vehicle certified for sale in the U.S. The vehicle may be imported without a Customs bond required by EPA through one of the following four exemptions.



### **(a) 21 OP years old or older**

The Canadian vehicle is 21 original production (OP) years old or older (OP years = the calendar year the vehicle was manufactured subtracted from the calendar year the vehicle was imported) and in original unmodified configuration. There is no Customs bond required by EPA, nor any written EPA approval.

#### **Requirements**

Importer must be prepared to demonstrate to U.S. Customs, upon entry, or to EPA, the vehicle is 21 OP years old or older. Generally, the vehicle's Canadian registration or title is adequate proof.  
Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "E".

#### **Restrictions**

The vehicle must be in its original unmodified configuration.  
Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines.

### **(b) Immigrant, worker or student exemption**

The vehicle is being imported by any person either with permanent Canadian immigrant status, or with Canadian worker or student status for greater than one year. No Customs bond is required by EPA. Written EPA approval is not required. The immigrant exemption should not be used if the vehicle is identical to a U.S. version vehicle. All 1988 to 1995 and 1998 to present model year cars and light-duty trucks (pick-ups and vans under 8500 GVWR) are considered identical by EPA (see "Identical to U.S. Version" above).

#### **Requirements**

Importer must offer documented proof that he/she has obtained permanent Canadian immigrant status or Canadian worker or student status in the U.S. for greater than one year (for periods up to a year, we recommend that eligible importers obtain a nonresident exemption, EPA Form 3520-1 code "O" from Customs).

Importer must prove that the vehicle is Canadian by attaching one **of** the following to the EPA Form 3520-1:

- a. Copy of Canadian registration or title for the vehicle; or
- b. a letter from the manufacturer's U.S. or Canadian representative (for a list see Manufacturer's U.S. Representatives) which states that the vehicle was manufactured to comply with the applicable Canadian emission requirements; or
- c. a sales receipt showing that the vehicle was purchased from a Canadian dealership and was new at the time it was purchased.

Importer must attach to the EPA Form 3520-1 proof that the importer owned the vehicle prior to moving to the U.S. The vehicle's Canadian title or registration in the name of the importer is considered adequate proof.

Immigrant must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "M", and attach the required documents.

#### **Restrictions**

None

### **(c) Inheritance exemption**

U.S. resident has obtained a vehicle from a Canadian resident by inheritance.

Recipient of vehicle must attach the following to the EPA Form 3520-1:

1. Proof (e.g. will) that the vehicle was obtained from a Canadian resident by inheritance.
2. proof that the vehicle is Canadian and that the Canadian resident purchased the vehicle for their own use. Copy of the vehicle's Canadian title or registration in the name of that Canadian resident is adequate proof.

Owner or recipient of vehicle must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "M", and attach the required documents.

## **Restrictions**

None

### **(d) Other exemptions**

Canadian vehicles or importers of Canadian vehicles also have the same options as for non-Canadian vehicles. See Non-U.S. Version Vehicles for more importation options if Canadian vehicle is not identical to U.S. version and is not yet 21 years old, and importer lacks Canadian immigrant, worker, or student status. Specifically, see Non-U.S. Version Vehicles subsections:

(2)(b) Hardship exemption

(2)(d) Modified to be identical to U.S. version vehicles

(3) Importation by an ICI

### **c. Non-U.S. Version Vehicles**

Non-U.S. version vehicles are nonconforming vehicles that were: (1) not manufactured in conformity with Federal emission requirements, or (2) not manufactured in accordance with a specific EPA certificate of conformity, or (3) not manufactured with a U.S. emissions compliance label in the engine compartment that identifies it in the English language as conforming to all EPA requirements. Non-U.S. version vehicles also include any vehicle originally manufactured as a U.S. version vehicle but that has been altered such that it is no longer in an EPA certified configuration (i.e., modifications or alterations or substitutions of the engine, emission control system, transmission, transaxle, differential, fuel system, or any other feature that defines the exact vehicle configurations that were certified by the manufacturer). Importers with a modified or altered U.S. version vehicle may enter the vehicle as a non-conforming vehicle under the requirements of this section. Also, non-U.S. version vehicles proven to be identical to U.S. certified version vehicles (e.g., many Canadian vehicles) may be eligible for an exemption under the following sections "(c) Identical to U.S. Version Vehicles" or "(d) Modified to be Identical to U.S. Version Vehicles", or under "Identical to U.S. Version" in the "Canadian Vehicles" section.

#### **(1) EPA's Policy**

The regulations governing EPA's program for importing non-U.S. version vehicles were originally provided for in 1972 in the Clean Air Act (Act). These regulations ensure that all imported vehicles are brought into conformity with applicable emission standards. Section 203 of the Act prohibits importing any motor vehicle or motor vehicle engine not covered by a certificate of conformity unless it is exempted by EPA or otherwise authorized jointly by EPA and Customs.

The authority to allow the importation of nonconforming vehicles is discretionary with EPA and Customs. Customs will not permit admission of your vehicle until both emission (EPA) and safety (Department of Transportation) requirements for conditional admission are met, as well as all other Federal requirements. For a non-U.S. version vehicle to enter the U.S., it must be imported by either an individual who has a written letter of exemption from EPA, or by an Independent Commercial Importer (ICI), who is a private business in the U.S. that holds a valid EPA certificate of conformity. The ICI will modify and test the vehicle, as applicable, to meet the EPA emission requirements.

#### **(2) Importation By an Individual**

An individual may import a non-U.S. version vehicle only (1) if the individual qualifies for an exclusion (see Excluded Vehicles) or (2) qualifies for and obtains a written letter of exemption from EPA in which the Federal emission requirements are waived. The vehicle may then be imported without a Customs bond required by EPA; however, the written EPA approval must be obtained before the vehicle is cleared at Customs.

There are four types of exemptions for non-U.S. version vehicles. Below is a description of each type of exemption along with the requirements you will need when importing your vehicle and the restrictions that will apply to your vehicle.

### **(a) 21 YEARS OLD OR OLDER EXEMPTION**

The vehicle is 21 original production (OP) years old or older (OP years = the calendar year the vehicle was manufactured subtracted from the calendar year the vehicle was imported) and in original unmodified configuration.

#### **Requirements**

Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "E". Customs may require proof of vehicle age.

#### **Restrictions**

The vehicle must be in its original unmodified configuration.  
Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines.

### **(b) HARDSHIP EXEMPTION**

The vehicle is imported by an individual under "... unforeseen cases of extreme hardship or extraordinary circumstances (40 CFR 85.1511(c)(2))." An example of a possible hardship exemption is a disabled person who needs a special vehicle that is unavailable in a U.S. certified configuration. Written EPA approval must be obtained before clearance at Customs.

The following circumstances are **NOT** considered by EPA to be unforeseen cases of extreme hardship or extraordinary circumstances:

1. the importer did not know that the vehicle needed to be converted to comply with U.S. requirements; or
2. the high cost of converting a non-U.S. version vehicle to meet the U.S. requirements, even if the cost exceeds the value of the vehicle; or
3. costs, losses, or other difficulties associated with poor financial judgement or the acceptance of a high level of risk (such as the purchase of a non-U.S. version vehicle, whether or not the original intent was to eventually ship it to the U.S.; difficulties in selling the non-U.S. version vehicle overseas; low resale value of the non-U.S. version vehicle that would result in financial loss if it were sold overseas; large bank or credit union loans, credit card balances or other debts, including for the non-U.S. version vehicle and other consumer products, etc.); or
4. change of geographical location caused by employment status or employer requirements, whether or not the requirement to change location of employment was given unexpectedly or with little notice; or
5. lack of cooperation from the vehicle manufacturer

#### **Requirements**

Importer must obtain approval from EPA by submitting to EPA:

1. The importers name, address, and daytime telephone number.
2. Vehicle information (make, model, model year, VIN), copy of the current registration, title, or sales receipt identifying the vehicle and owner.
3. Inclusive financial information (if applicable to the unforeseen cases of extreme hardship or extraordinary circumstances) of:
  - a. Financial assets (earnings and holdings) including, but not limited to, wages, bank accounts, bonds, stocks, real estate, etc.
  - b. Financial burden (living expenses) on a monthly or yearly basis, including but not limited to housing, food, transportation, clothes, utilities, loans, etc.
4. A description of the need for the vehicle, including other vehicles currently owned by the immediate family and their use; why the other vehicles (if any) in the immediate family or mass transportation cannot fulfill the need; and why a "reasonable" used U.S. version vehicle cannot be purchased to fulfill the need.
5. A description of the "unforeseen ... extreme hardship or extraordinary circumstances".

Importer must file with Customs, upon entry, an EPA Form 3520-1, declaring code "M", and attach EPA approval letter.

Importer should keep a copy of EPA approval letter for future proof of EPA exemption.

## **Restrictions**

None

## **(c) IDENTICAL TO U.S. VERSION VEHICLES**

The vehicle, prior to importation, is identical in all material respects to a vehicle identified in an original equipment manufacturer's (OEM's) certification application. No Customs bond is required by EPA. See also Canadian Vehicles, Identical to U.S. Version)

## **Requirements**

Importer must obtain a letter from the OEM's U.S. representative (see Manufacturer's U.S. Representatives for a list) stating the vehicle (make, model, model year, VIN), at the time of manufacture, conformed to all U.S. emission requirements applicable to the appropriate model year (except possibly for warranty and labeling).

Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "EE" and attach letter from OEM's U.S. representative.

## **Restrictions**

The vehicle may not be imported for the purpose of resale, except for Canadian vehicles. An OEM may not import a vehicle using this exemption.

## **NOTES:**

1. Regardless of the requirements above being satisfied, a vehicle is not eligible for this exemption if it has been modified or altered such that the vehicle configuration is not covered under the manufacturer's certificate of conformity.
2. Obtaining a letter from the OEM's U.S. representative is the responsibility of the importer. EPA does not have authority over manufacturers' non-U.S. version vehicles. Mercedes-Benz and BMW have indicated that except for their Canadian vehicles, they do not provide such letters. Other manufacturers have indicated that comparing foreign market vehicles to U.S. version vehicles is extremely difficult, or impractical. Failure to obtain such a letter is not justification for a hardship exemption.

## **(3) Importation by an ICI**

An ICI is an independent commercial importer that is registered with the EPA Certification and Compliance Division, and who is not the original vehicle manufacturer (OEM), and who does not have a contractual agreement with the original manufacturer to act as its authorized representative for the distribution of vehicles or engines into the U.S. market. ICIs act independently of the OEM, but must follow the same emission requirements imposed on OEMs by the Clean Air Act. All ICIs are located in the U.S.

## **ICI Compliance Requirements**

An ICI who imports your nonconforming vehicle is responsible for:

1. Having an applicable certificate of conformity to import your vehicle (or using your vehicle as a "prototype" to obtain the applicable certificate of conformity).
2. Entering your vehicle through U.S. Customs.
3. Performing all modifications and emission testing, if required, after the vehicle enters the United States (see "Emissions Testing" paragraph of Introduction section).
4. Reporting the modifications and testing results, if required, to EPA and holding the vehicle for 15 Federal working days beginning with the date that EPA receives this report (or longer if EPA so notifies the certificate holder). During this period and the period preceding this report, the vehicle cannot be sold, offered for sale, returned to the owner, or driven on public roads or highways (except for that driving necessary to obtain a certificate of conformity for the vehicle, if the vehicle is being used to obtain a certificate of conformity).

5. Bearing responsibility for the vehicle's compliance with emission standards over the vehicle's useful life. This includes pre-release inspections and subsequent emission recalls by EPA.
6. Ensuring that the vehicle contains an emissions label (in the name of the ICI) and vacuum hose diagram, as well as providing you with prepaid emission warranties and maintenance instructions for the vehicle (See [How to Find the Vehicle Emissions Label](#)), and
7. Performing fuel economy tests and providing you with gas guzzler tax forms.

While it is the ICI's responsibility to provide vehicle owners with fuel economy test results and gas guzzler tax forms, it is the vehicle owner's responsibility to report and pay any applicable gas guzzler taxes to the U.S. Internal Revenue Service.

Any person or business that desires to become an ICI should become knowledgeable of the requirements for ICIs (40 CFR Part 85, Subpart P) and of Certification (40 CFR Part 86), must obtain small volume manufacturer status and apply for certificates of conformity from the EPA Certification and Compliance Division in accordance with those requirements.

### **Vehicles That Must be Imported by an ICI**

ICIs import vehicles into the U.S. for modification and testing purposes so that the vehicles, upon final admission by EPA, comply with Federal emission requirements. Whether a vehicle may be imported depends on several factors, including the year in which the vehicle will be imported and the qualifications of the ICI. First, eligibility varies from year to year depending upon the age of the vehicle. A vehicle's age is determined by subtracting the calendar year in which it was originally manufactured from the calendar year of importation. For example, a European manufactured vehicle built in 1986 and imported into the U.S. in 1996 would be ten years old. Second, the ICI has to have a currently valid certificate of conformity, and if the vehicle's age is less than six years old, the ICI must have a currently valid certificate of conformity for a vehicle specifically like yours (i.e. same make, model, model year, and engine).

Before making any purchase or shipping arrangements, you should be sure that there is an ICI who is eligible to import your vehicle and willing to import your vehicle and that you are prepared to pay the ICI charges. [List of Independent Commercial Importers](#). Vehicles required to be imported by ICIs must be entered through Customs by the ICI, not the vehicle owner, and must not be given to the vehicle owner until after the vehicle has met all EPA requirements and has been finally admitted by EPA.

There are four types of importations by ICIs. Below is a description of each type and a brief overview of the general requirements.

### **(a) VEHICLES TWENTY ONE YEARS OLD OR OLDER**

Any vehicle twenty one years old or older may be imported by an ICI (as well as by individuals; see [Non-U.S. Version Vehicles](#) "(a) 21 Years Old or Older Exemption"). Modifications, testing and holding the vehicle for EPA inspection are not required.

#### **Requirements**

- ICI must validate that vehicle is at least 21 years old.
- ICI or owner must file with Customs upon entry, an EPA Form 3520-1 declaring code "E".

#### **Restrictions**

- The vehicle must be in its original unmodified configuration.
- Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines.

### **(b) MODIFICATION & TESTING OF VEHICLES 6 OP YEARS OR OLDER**

The vehicle is being imported by an ICI for modification and testing purposes to comply with Federal emission requirements and is at least 6 OP years or older. No bond is required by EPA, nor is written EPA approval required.

## **Requirements**

ICI must have any currently valid certificate of conformity.  
ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "C"  
ICI must bring the vehicle into compliance with Federal emission requirements, including passing the Federal emissions test for every vehicle.  
ICI must submit Application for Final Admission to EPA and hold vehicle for 15 Federal working days (or more if required by EPA) after submitting application.

## **Restrictions**

Vehicle must not be driven on public roads or highways until after final admission by EPA.  
Vehicle must not be given to owner (for use or storage) until after final admission by EPA.

## **(c) MODIFICATION & TESTING OF VEHICLES LESS THAN 6 OP YEARS**

The vehicle is being imported by an ICI for modification and emission testing purposes in order to comply with Federal emission requirements and is less than 6 OP years old. No Customs bond is required, nor is written EPA approval required.

## **Requirements**

ICI must already have an EPA certificate of conformity for the specific model year, make, model, and engine of the vehicle (e.g., 1990 Mercedes-Benz 500) it desires to import, or ICI must use the vehicle as a prototype to obtain the necessary certificate of conformity.  
ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "A" (or code "J" if vehicle is being used as a prototype to obtain a certificate of conformity).  
ICI must bring vehicle into compliance in accordance with certificate of conformity.  
ICI must Federal emissions test every third vehicle imported under a certificate of conformity to demonstrate compliance with Federal emission standards.  
ICI must submit Application for Final Admission to EPA and hold vehicle for 15 Federal working days (or more if required by EPA) after submitting application.

## **Restrictions**

Vehicle must not be driven on public roads or highways (except for that driving necessary to obtain a certificate of conformity) until final admission by EPA.  
Vehicle must not be released to the owner (for use or storage) until after final admission by EPA.

## **(d) MODIFICATION TO OEM CERTIFIED VERSION**

The vehicle is being imported by an ICI for modification purposes to be identical to an OEM certified version in accordance with written instructions from the U.S. representative of the OEM that are specific to the vehicle. No Customs bond is required, nor is written EPA approval required.

## **Requirements**

ICI must obtain copy of the modification instructions from the U.S. representative of the OEM prior to importation  
ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "Z".  
ICI must attach a copy of the OEM instructions to EPA Form 3520-1.  
ICI must modify vehicle in accordance with the OEM instructions.  
ICI must submit Application for Final Admission to EPA and hold vehicle for 15 Federal working days (or more, if required by EPA) after submitting Application.

## **Restrictions**

Vehicle must not be driven on public roads or highways until after final admission by EPA.  
Vehicle must not be given to owner (for use or storage) until after final admission by EPA.

## **NOTES:**

1. Regardless of the requirements above being satisfied, a vehicle is not eligible for this exemption if it has been modified or altered such that the vehicle configuration is not covered under the manufacturer's certificate of conformity.

2. Obtaining a letter from the OEM's U.S. representative is the responsibility of the importer. EPA does not have authority over manufacturer's non-U.S. version vehicles. Mercedes-Benz and BMW have indicated that, except for their Canadian vehicles, they do not provide such letters. Other manufacturers have indicated that comparing foreign market vehicles to U.S. version vehicles is extremely difficult, or impractical. Failure to obtain such a letter is not justification for a hardship exemption.

<http://www.epa.gov/otaq/imports/factbook.htm>  
Last updated on Friday, August 17, 2007



## Importing Vehicles and Engines

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# Section C - Attachments

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## NON-EMISSION REQUIREMENTS

This manual describes only the EPA requirements, that is, only those related to the Federal emissions requirements. Importers of vehicles must also comply with the requirements of other Federal Agencies (e.g., Department of Transportation for safety requirements, IRS for gas guzzler taxes, U.S. Customs Service for tariffs, duties, etc.) as well as those of the state and local governments. EPA letters of approval or exemption are not intended to satisfy other non-emission Federal agency requirements, or any emission or non-emission requirements of State or local governments. Below is a list of contacts for other Federal requirements.

### Customs

Questions regarding the importation of your vehicle should be directed to the Customs port where your vehicle will be entered.

### Safety

For information on Federal safety requirements contact:

U.S. Department of Transportation  
400 7th Street, S.W.  
Washington, DC 20590  
(202) 366-5291

### Gas Guzzler Tax

A "Gas Guzzler Tax" may need to be paid on your vehicle. These taxes range from \$500 to \$3,850 per vehicle. For more information, contact:

Internal Revenue Service  
Excise Tax Program  
1111 Constitution Avenue, N.W.  
SE:S:SP:Ex, Room 2016  
Washington, DC 20224  
(202) 622-3143

### State Requirements

#### 1. California Emission Requirements

The State of California has its own program for regulating the importation of nonconforming vehicles that are sold, registered, or operated in California. If you are a resident of, principally drive your car in, register or intend to sell vehicles in the State of California, **you will need to comply with California's emission requirements in addition to the Federal emission requirements.** For more information on California's requirements, contact:



State of California  
Air Resources Board  
Mobile Source Control Division  
9528 Telstar Avenue  
El Monte, CA 91731  
1-800-242-4450

## **2. Proof of Federal Emission Compliance**

Many State Department of Motor Vehicles (DMVs) require documentation indicating that Federal emission requirements have been met and proof of ownership before registration and/or titling of the vehicle will be permitted. EPA has indicated to representatives of State DMVs that the following documentation would be sufficient in order to show that a vehicle being imported under the EPA imports program meets Federal emission requirements:

- a. a copy of the EPA Form 3520-1 submitted to Customs, and
- b. for vehicles entered by ICIs, a verification letter from EPA which states that all applicable emission requirements have been met. To obtain such a letter, call (734) 214-41000.
- c. for vehicles granted prior approval or exemption, a copy of the EPA letter of Prior Approval or exemption.

## **3. Proof of Gas Guzzler Payment**

Some states may require proof of payment of the gas guzzler tax, if applicable to your vehicle (for more information on this tax, see section "Gas Guzzler Tax").

## **4. Inspection/Maintenance Requirements**

Your state may operate an Inspection/Maintenance (I/M) program which is designed to satisfy the state's requirement for reducing excess emissions caused by vehicles that are not properly tuned or are in need of repair. Because I/M programs are customized to the needs of each local area, you should contact your local I/M office for more information on its requirements. A state test is not the same as a Federal test, and **EPA will not accept state test results to satisfy Federal requirements (see "Emissions Testing" paragraph of Introduction section )**.

# **HOW TO FIND THE VEHICLE EMISSIONS LABEL**

## **VEHICLE EMISSIONS LABEL**

The EPA vehicle emissions label is entitled "Vehicle Emission Control Information" and will contain the name and trademark of the manufacturer and an unconditional statement of compliance with EPA emission regulations.

## **AUTOMOTIVE AND LIGHT TRUCKS**

1. 1971 and later conforming vehicles will have a label in the engine compartment.
2. 1968-1970 conforming motor vehicles will have a label on the doorpost indicating compliance with Federal motor vehicle safety standards. These vehicles may have an emissions compliance label in the engine compartment containing a statement that the vehicle complies with Health Education and Welfare Department (HEW) emission requirements.
3. 1967 and earlier motor vehicles are excluded from meeting U.S. emission requirements and will not have a compliance label.

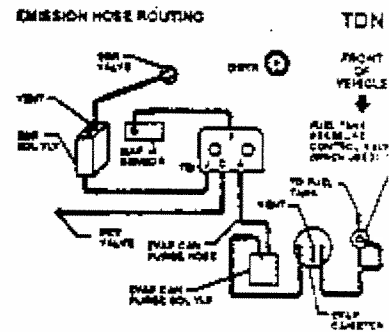
## **MOTORCYCLES**

1978 and later motorcycles will have an EPA emissions label on the frame.

<http://www.epa.gov/otaq/imports/factmnc.htm>

Last updated on Friday, August 17, 2007

<b>TON</b> 1-800-762-7828 REGISTRATION REGISTRATION	<b>IMPORTANT VEHICLE INFORMATION</b> General Motor Company	<b>CATALYST</b> BEATING EMISSIONS	AUTOMATIC TRANSMISSION
<b>FOR INFORMATION</b> <b>FOR INFORMATION</b>	<b>SET PARKING BRAKE AND BLOCK DRIVE WHEELS</b> "When leaving your car, always set the parking brake and block drive wheels if vehicle is on a slope. If you are on a driveway, set it equipped." 1. Check the transmission indicator lamp before leaving your car. 2. Put the shift lever in PARK position in order to prevent the transmission from shifting out of PARK. 3. Make a small wheel chock (if equipped) under the front wheel on the left side of the car. 4. Check the hand brake indicator lamp in the rear view mirror. 5. Lock the hand brake and clean the floor. 6. Lock the hand brake and clean the floor.	Timing (C/W) Brake Plug (C/W) 1. 1/2 in. (1/2 in.) 2. 1/2 in. (1/2 in.) 3. 1/2 in. (1/2 in.) 4. 1/2 in. (1/2 in.) 5. 1/2 in. (1/2 in.) 6. 1/2 in. (1/2 in.) 7. 1/2 in. (1/2 in.) 8. 1/2 in. (1/2 in.) 9. 1/2 in. (1/2 in.) 10. 1/2 in. (1/2 in.) 11. 1/2 in. (1/2 in.) 12. 1/2 in. (1/2 in.) 13. 1/2 in. (1/2 in.) 14. 1/2 in. (1/2 in.) 15. 1/2 in. (1/2 in.) 16. 1/2 in. (1/2 in.) 17. 1/2 in. (1/2 in.) 18. 1/2 in. (1/2 in.) 19. 1/2 in. (1/2 in.) 20. 1/2 in. (1/2 in.) 21. 1/2 in. (1/2 in.) 22. 1/2 in. (1/2 in.) 23. 1/2 in. (1/2 in.) 24. 1/2 in. (1/2 in.) 25. 1/2 in. (1/2 in.) 26. 1/2 in. (1/2 in.) 27. 1/2 in. (1/2 in.) 28. 1/2 in. (1/2 in.) 29. 1/2 in. (1/2 in.) 30. 1/2 in. (1/2 in.) 31. 1/2 in. (1/2 in.) 32. 1/2 in. (1/2 in.) 33. 1/2 in. (1/2 in.) 34. 1/2 in. (1/2 in.) 35. 1/2 in. (1/2 in.) 36. 1/2 in. (1/2 in.) 37. 1/2 in. (1/2 in.) 38. 1/2 in. (1/2 in.) 39. 1/2 in. (1/2 in.) 40. 1/2 in. (1/2 in.) 41. 1/2 in. (1/2 in.) 42. 1/2 in. (1/2 in.) 43. 1/2 in. (1/2 in.) 44. 1/2 in. (1/2 in.) 45. 1/2 in. (1/2 in.) 46. 1/2 in. (1/2 in.) 47. 1/2 in. (1/2 in.) 48. 1/2 in. (1/2 in.) 49. 1/2 in. (1/2 in.) 50. 1/2 in. (1/2 in.) 51. 1/2 in. (1/2 in.) 52. 1/2 in. (1/2 in.) 53. 1/2 in. (1/2 in.) 54. 1/2 in. (1/2 in.) 55. 1/2 in. (1/2 in.) 56. 1/2 in. (1/2 in.) 57. 1/2 in. (1/2 in.) 58. 1/2 in. (1/2 in.) 59. 1/2 in. (1/2 in.) 60. 1/2 in. (1/2 in.) 61. 1/2 in. (1/2 in.) 62. 1/2 in. (1/2 in.) 63. 1/2 in. (1/2 in.) 64. 1/2 in. (1/2 in.) 65. 1/2 in. (1/2 in.) 66. 1/2 in. (1/2 in.) 67. 1/2 in. (1/2 in.) 68. 1/2 in. (1/2 in.) 69. 1/2 in. (1/2 in.) 70. 1/2 in. (1/2 in.) 71. 1/2 in. (1/2 in.) 72. 1/2 in. (1/2 in.) 73. 1/2 in. (1/2 in.) 74. 1/2 in. (1/2 in.) 75. 1/2 in. (1/2 in.) 76. 1/2 in. (1/2 in.) 77. 1/2 in. (1/2 in.) 78. 1/2 in. (1/2 in.) 79. 1/2 in. (1/2 in.) 80. 1/2 in. (1/2 in.) 81. 1/2 in. (1/2 in.) 82. 1/2 in. (1/2 in.) 83. 1/2 in. (1/2 in.) 84. 1/2 in. (1/2 in.) 85. 1/2 in. (1/2 in.) 86. 1/2 in. (1/2 in.) 87. 1/2 in. (1/2 in.) 88. 1/2 in. (1/2 in.) 89. 1/2 in. (1/2 in.) 90. 1/2 in. (1/2 in.) 91. 1/2 in. (1/2 in.) 92. 1/2 in. (1/2 in.) 93. 1/2 in. (1/2 in.) 94. 1/2 in. (1/2 in.) 95. 1/2 in. (1/2 in.) 96. 1/2 in. (1/2 in.) 97. 1/2 in. (1/2 in.) 98. 1/2 in. (1/2 in.) 99. 1/2 in. (1/2 in.) 100. 1/2 in. (1/2 in.) 101. 1/2 in. (1/2 in.) 102. 1/2 in. (1/2 in.) 103. 1/2 in. (1/2 in.) 104. 1/2 in. (1/2 in.) 105. 1/2 in. (1/2 in.) 106. 1/2 in. (1/2 in.) 107. 1/2 in. (1/2 in.) 108. 1/2 in. (1/2 in.) 109. 1/2 in. (1/2 in.) 110. 1/2 in. (1/2 in.) 111. 1/2 in. (1/2 in.) 112. 1/2 in. (1/2 in.) 113. 1/2 in. (1/2 in.) 114. 1/2 in. (1/2 in.) 115. 1/2 in. (1/2 in.) 116. 1/2 in. (1/2 in.) 117. 1/2 in. (1/2 in.) 118. 1/2 in. (1/2 in.) 119. 1/2 in. (1/2 in.) 120. 1/2 in. (1/2 in.) 121. 1/2 in. (1/2 in.) 122. 1/2 in. (1/2 in.) 123. 1/2 in. (1/2 in.) 124. 1/2 in. (1/2 in.) 125. 1/2 in. (1/2 in.) 126. 1/2 in. (1/2 in.) 127. 1/2 in. (1/2 in.) 128. 1/2 in. (1/2 in.) 129. 1/2 in. (1/2 in.) 130. 1/2 in. (1/2 in.) 131. 1/2 in. (1/2 in.) 132. 1/2 in. (1/2 in.) 133. 1/2 in. (1/2 in.) 134. 1/2 in. (1/2 in.) 135. 1/2 in. (1/2 in.) 136. 1/2 in. (1/2 in.) 137. 1/2 in. (1/2 in.) 138. 1/2 in. (1/2 in.) 139. 1/2 in. (1/2 in.) 140. 1/2 in. (1/2 in.) 141. 1/2 in. (1/2 in.) 142. 1/2 in. (1/2 in.) 143. 1/2 in. (1/2 in.) 144. 1/2 in. (1/2 in.) 145. 1/2 in. (1/2 in.) 146. 1/2 in. (1/2 in.) 147. 1/2 in. (1/2 in.) 148. 1/2 in. (1/2 in.) 149. 1/2 in. (1/2 in.) 150. 1/2 in. (1/2 in.) 151. 1/2 in. (1/2 in.) 152. 1/2 in. (1/2 in.) 153. 1/2 in. (1/2 in.) 154. 1/2 in. (1/2 in.) 155. 1/2 in. (1/2 in.) 156. 1/2 in. (1/2 in.) 157. 1/2 in. (1/2 in.) 158. 1/2 in. (1/2 in.) 159. 1/2 in. (1/2 in.) 160. 1/2 in. (1/2 in.) 161. 1/2 in. (1/2 in.) 162. 1/2 in. (1/2 in.) 163. 1/2 in. (1/2 in.) 164. 1/2 in. (1/2 in.) 165. 1/2 in. (1/2 in.) 166. 1/2 in. (1/2 in.) 167. 1/2 in. (1/2 in.) 168. 1/2 in. (1/2 in.) 169. 1/2 in. (1/2 in	



When calling EPA concerning a particular vehicle, please have ready the make, model, model year and vehicle identification number (VIN) of your vehicle (from the registration card) and, if it has already been imported, the importer of record, the port of entry, date of entry and entry number (from the EPA form 3520-1, which you can only get from the port of entry and which you should keep a copy for your records). When writing or faxing to EPA, include this information, plus a telephone number (with area code) where you can be reached during the day.

October 8, 2010

The following is a list of Independent Commercial Importers (ICIs) who currently hold a valid certificate of conformity from EPA as of the date of this list. This certificate allows the ICI to import certain nonconforming vehicles into the United States until December 31, 2010. THE MAKES OR MODELS THAT AN ICI CAN IMPORT ARE LIMITED. You should contact the ICI to determine if he/she is qualified to import your particular vehicle.

US SPECS, LLC  
121 Northway Drive  
Havre de Grace, MD 21078  
Rep: Carl Brinegar  
Phone: (443) 502-2331  
Fax: (443) 502-2331  
Email: [USSPECS@aol.com](mailto:USSPECS@aol.com)

Northern California  
Diagnostic Laboratories, Inc.  
2748 Jefferson Street  
Napa, CA 94558-4936  
Rep: Mike Spencer-Smith  
Phone: (707) 258-1753  
Fax: (707) 258-1611  
Email: [ncdl@ncdline.com](mailto:ncdl@ncdline.com)

G & K Automotive  
Conversion, Inc.  
2530 S. Birch Street  
Santa Ana, CA 92707  
Phone (714) 545-9503  
Fax: (714) 545-7667  
Email: [george@gknkauto.com](mailto:george@gknkauto.com)

Wallace Environmental Testing  
Laboratories  
2140 Wirtcrest  
Houston, TX 77055  
Rep: Les Weaver  
Phone: (713) 956-7705  
Fax: (713) 956-0104  
Email: [sales@wallacelab.com](mailto:sales@wallacelab.com)

Auto Boutique Ltd.  
660 Baker St. 405-V  
Costa Mesa, CA 92626  
Rep: Makoto Harada  
Phone: (714) 668-0235  
Fax: (714) 844-4378  
Email: [epa@autoboutique.us](mailto:epa@autoboutique.us)

US Drive Right  
P.O. Box 492  
Spring Arbor, MI 49283  
Rep: Bruce Hildenbrand  
Phone: (517) 206-4486  
Email: [bruce@usdriveright.com](mailto:bruce@usdriveright.com)

J.K Technologies, LLC  
3500 Sweet Air Street  
Baltimore, MD 21211  
Rep Jonathan Weisheit  
Phone: (410) 366-6332  
Fax: (410) 366-7655  
Email: [convert2us@aol.com](mailto:convert2us@aol.com)

Right Hand Drive Japan  
20437 Hawthorne Blvd  
Torrance, CA 90503  
Rep: Takahiro Fujimori  
Phone: (310) 452-4299  
Email: [info@righthabddrivejapan.com](mailto:info@righthabddrivejapan.com)

EPA DOES NOT ENDORSE OR RECOMMEND ANY PARTICULAR ICI ON THIS LIST. EPA cautions that an ICI's capability to bring a vehicle into conformity with U.S. emission requirement does not guarantee that in individual cases the work will be properly performed. Test documentation for an individual vehicle and other information concerning the quality of modifications will be carefully scrutinized to determine whether such vehicle meets all applicable EPA requirements under the imports regulations.



**United States Environmental Protection Agency  
Declaration Form**

**Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Regulations**

U.S. E.P.A., Compliance & Innovative Strategies Division, 2000 Traverwood Drive, Ann Arbor, MI 48105 <http://www.epa.gov/otaq/imports> Phone (734) 214-4100; Fax (734) 214-4676.

**This form must be submitted to the U.S. Customs and Border Protection (Customs) (42 USC 7522, 7601; 19 CFR 12.73) for each motor vehicle (including motorcycles, disassembled vehicles, kit cars, light-duty vehicle/motorcycle engines) imported into the U.S., except that this form is not required for motor vehicles that are imported by their original manufacturer and are new and are covered by an EPA certificate of conformity and bear an EPA emission control label. One form per shipment may be used, with attachments including all information required to fully describe each vehicle or engine as below. Check the box below indicating the provisions under which you are importing this vehicle or engine. Offroad vehicles/engines and heavy-duty engines must use form 3520-21. Note: Although only imports using codes G, I, K, L, M-3, and O require specific written authorization from EPA, Customs may request EPA review of importer documentation and eligibility for any import using this form. A nonconforming vehicle that is ineligible for the exemptions or exclusions listed below, must be imported through an independent commercial importer (ICI) under codes A, C, J, or Z. For codes A, C, J, and Z, EPA does not authorize the release to the vehicle owner.**

**Penalties:** Any person who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$250,000 or imprisoned for up to 5 years, or both (18 USC 1001). Any person who improperly imports a motor vehicle (including a motorcycle) or engine may be fined up to \$32,500 per vehicle or engine (42 USC 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 85.1513), and the U.S. Customs Service may seize the vehicle or engine (19 CFR 162.21).

**Description and Declaration of Motor Vehicle or Motor Vehicle Engine (Note: Heavy-duty Engines must use form 3520-21)**

1. Port code:	2. Entry date: (mm/dd/yyyy)	3. Customs entry number:	4. Vehicle Identification Number (VIN), or engine serial number:
5. Manufacture date (mm/yyyy):		6. Manufacturer (make):	7. Model:
8. ICI imports only, codes A, C, J, Z - EPA certificate no., model year and expiration date of applicable certificate:			

**Names, Addresses, and Telephone Numbers of Relevant Parties**

**Certification:** I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, or for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, importer, or agent for the owner or importer.

9. Importer (code B: must be certificate holder or their agent for shipments of new vehicles prior to introduction into commerce; codes A, C, J, Z: must be ICI):	10. Owner:	11. Storage location:	12. Signature:
			13. Date:
			14. Name, company and phone (type or print):

**U.S. conforming and "identical" vehicles**

- ☐ **code B - U.S. certified** - unmodified vehicle bearing a U.S. EPA emission control label in engine compartment (or on motorcycle frame) in English.
- ☐ **code F - U.S. certified, catalyst restoration** - U.S. certified vehicle as described above, except that the catalyst, oxygen sensors or fuel filler neck restrictor were removed or damaged. The importer attests that the catalyst and oxygen sensors and fuel filler neck restrictor, as applicable, will be re-installed or replaced after importation. If leaded gasoline was used, the importer attests that after importation (1) the fuel tank will be drained and refilled with unleaded gasoline, (2) the catalyst and oxygen sensors, if they were left on the vehicle during use of the leaded gasoline, will be replaced, and (3) the fuel filler neck restrictor will be checked and replaced as necessary. No bond or EPA approval is required.
- ☐ **code EE - identical in all material respects to a U.S. certified version** - either 1) **Canadian** vehicle (proof required e.g. Canadian emission control label, registration or title, or letter from the U.S. or Canadian manufacturer representative on letterhead verifying manufacture for sale in Canada) on EPA list of Canadian "identical" models, or 2) **vehicle from any country** with letter attached to this form from the manufacturer's U.S. representative on letterhead (not a dealer or mechanic) stating that the vehicle is identical to a U.S. EPA certified version with respect to emissions. The importer attests that vehicle is being imported for purposes other than resale or lease. For import of "identical" Canadian vehicles for resale, use **code FF**.
- ☐ **code FF - Canadian "identical" models imported for resale or lease** - Canadian vehicle as described above appearing on EPA list of Canadian "identical" models, imported for resale or lease. The importer attests that the importer will satisfy applicable labeling, warranty and CAFÉ requirements as specified by EPA.

**EPA exempted vehicles**

- ☐ **code M - miscellaneous exemption**, either 1) **Canadian** vehicle as described above (proof required) and the importer is either permanently emigrating to the U.S. or will reside in the U.S. for greater than one year under a worker or student visa, or 2) Canadian vehicle received by U.S. resident through inheritance, or 3) EPA hardship letter based on unforeseen and extraordinary circumstances is attached to this form.
- ☐ **code E - vehicle at least 21 years old** (calendar year of manufacture subtracted from year of importation) and in original unmodified configuration is either exempted or excluded from EPA emission requirements, depending on age. Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines. Customs may require proof of vehicle age.



United States  
Environmental Protection Agency

**Excluded vehicles**

- ☐ **code L - racing vehicle** as determined by EPA and may not be registered or licensed for use on or operated on public roads or highways (40 CFR 85.1511(e)). **EPA letter of approval must be attached to this form.**
- ☐ **code U -2005 model year (or older) motorcycle, scooter or moped** with engine displacement less than 50cc and with rated speed greater than 5000 rpm.
- ☐ **code W - non-chassis-mounted engine** to be used in a light-duty vehicle or light-duty truck or motorcycle which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce.
- ☐ **code Y - unregulated fuel** - a vehicle that: (1) for model years earlier than 1991 operates on fuel other than gasoline or diesel fuel, or (2) for 1991- 1996 model years operates on fuel other than gasoline or diesel or methanol fuel, or (3) for 1997 and later model years operates on fuel other than gasoline or diesel or methanol or ethanol or compressed natural gas (CNG) or liquid petroleum gas (LPG), including propane. This exemption does not apply to 2004 and later model year vehicles.

**Temporary imports**

- ☐ **code G** - imported for **repair or alteration** in accordance with 40 CFR 85.1511(b)(1). May not be registered or licensed for use on, or operated on public roads or highways, or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- ☐ **code I** - imported for **testing** purposes in accordance with 40 CFR 85.1511(b)(2). May not be registered or licensed for use on or operated on public roads or highways (except operation that is integral to the purpose of the testing program) or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- ☐ **code K** - imported for **display** (solely for public or business purposes, and not for private purposes or U.S. market sales promotions) in accordance with 40 CFR 85.1511(b)(4). May not be registered or licensed for use on or operated on public roads or highways (except operation that is integral to the purpose of the display) or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- ☐ **code N** - imported for up to one year by member of the armed forces or personnel of a foreign government on assignment to the U.S., for whom free entry has been authorized in writing by the U.S. Department of State, or a member of the armed forces of a foreign country with official orders for duty in the U.S.
- ☐ **code O** - imported by nonresident for personal use by an individual for a period up to a year. EPA letter of approval must be attached to this form.

**Independent commercial importer (ICI) imports**

- ☐ **code A** - imported by an ICI for modifications in accordance with a valid EPA certificate of conformity issued for the specific make, model, and model year in accordance with 40 CFR 85.1505.
- ☐ **code C** - imported by an ICI for modification and testing in accordance with 40 CFR 85.1509. Vehicle must be at least 6 years old.
- ☐ **code J** - imported by an ICI for the purpose of pre-certification testing in order to obtain an EPA certificate of conformity. No EPA approval is required. The ICI has 180 days to obtain a certificate or export (40 CFR 85.1511(b)(3)). **Customs bond required.**
- ☐ **code Z** - imported by an ICI for the purpose of modifying to be identical to an original equipment manufacturer (OEM) certified version in accordance with written instructions from the OEM that are specific to the vehicle being imported.

**OEM imports**

- ☐ **code H** - imported, owned, and controlled directly by an original equipment manufacturer (OEM) on EPA list of OEM certificate holders provided to Customs, for research, development or testing purposes in accordance with 40 CFR 85.1706. This is a temporary exemption without time limit. If the vehicle is subsequently covered by an applicable EPA certificate of conformity, it is released from the restrictions of this exemption.
- ☐ **code Q** - imported, owned, and controlled directly by an original equipment manufacturer (OEM) on EPA list of OEM certificate holders provided to Customs, for storage pending receipt of the applicable EPA certificate of conformity, which is pending and imminent. Use of this code is no longer permitted once EPA has issued the applicable certificate of conformity.

**U.S. Department of Transportation Requirements**

**Note:** Importers of vehicles that are primarily manufactured for use on public roads must also file an HS-7 Declaration form to identify the basis for the vehicle's admission under the laws administered by the U.S. Department of Transportation. For more information, see [www.nhtsa.dot.gov/cars/rules/import/](http://www.nhtsa.dot.gov/cars/rules/import/).

**Paperwork Reduction Act Notice**

This information is collected to ensure that motor vehicles and engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (40 CFR 85.1501 et seq., and Clean Air Act Sections 203 and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B. The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.



# United States Environmental Protection Agency Engine Declaration Form

## Importation of Engines, Vehicles, and Equipment Subject to Federal Air Pollution Regulations

U.S. EPA, Certification & Compliance Division, 2000 Traverwood Dr., Ann Arbor, Michigan 48105. (734) 214-4100; imports@epa.gov; www.epa.gov/otaq/imports/

This form must be prepared by the importer for each imported stationary, nonroad or heavy-duty highway engine, including engines incorporated into vehicles or equipment. Note that references in this form to engines generally include vehicles or equipment if they are subject to equipment-based standards. One form per engine or group of engines in a shipment may be used, with attachments including all information required to fully describe each engine as below. Provide a duplicate form and attachments to the U.S. Customs and Border Protection (CBP) upon request (42 U.S.C. 7522, 7601, 19 CFR 12.73 or 12.74). This form must be retained for five years from the date of entry (19 CFR 163.4). Additional requirements may apply in California. NOTE: While certain imports require specific written authorization from EPA, CBP may request EPA review of importer documentation and eligibility for any import using this form. For light-duty motor vehicles, highway motorcycles, and the corresponding engines, use form 3520-1. This form does not apply to aircraft engines.

Identify the type of highway, nonroad, or stationary engine, vehicle, or equipment you are importing from the following list of products:

- ☐ A. Heavy-duty highway engines (for use in motor vehicles with gross vehicle weight rating above 8500 pounds). See 40 CFR parts 85 and 86.
- ☐ B. Locomotives or locomotive engines. See 40 CFR parts 1033 and 1068.
- ☐ C. Marine compression-ignition engines. See 40 CFR part 94 or 40 CFR parts 1042 and 1068. This includes propulsion engines and auxiliary engines installed on marine vessels.
- ☐ D. Other nonroad compression-ignition engines. See 40 CFR part 89 or 40 CFR parts 1039 and 1068.
- ☐ E. Marine spark-ignition engines. See 40 CFR parts 1045 and 1068.
- ☐ F. Recreational engines and vehicles, including snowmobiles, off-highway motorcycles, all-terrain vehicles, and offroad utility vehicles that are subject to the same emission standards as all-terrain vehicles. See 40 CFR parts 1051 and 1068.
- ☐ G. Other nonroad spark-ignition engines at or below 19 kW (or at or below 30 kW if total displacement is at or below 1000 cc). See 40 CFR part 90 or 40 CFR parts 1054 and 1068.
- ☐ H. Other nonroad spark-ignition engines above 19 kW. See 40 CFR parts 1048 and 1068.
- ☐ I. Stationary compression-ignition engines. See 40 CFR part 60, subpart IIII.
- ☐ J. Stationary spark-ignition engines. See 40 CFR part 60, subpart JJJJ.

Check one of the following Codes to indicate the provision under which you are importing the engine, vehicle, or equipment:

- ☐ 1. U.S. certified engine or engine installed in a certified vehicle, covered by a valid U.S. EPA certificate of conformity and bearing a U.S. EPA emission control label in English. Additional information for Category G engines from 2010 and later model years, starting January 1, 2010 (see 40 CFR 90.1007 or 1054.690): Exempt from bond? \_\_\_\_ If not exempt, NAIC # for bond issuer: \_\_\_\_, policy number: \_\_\_\_, state of issue: \_\_\_\_.

### Permanent Exemptions for Nonconforming Engines

- ☐ 2. National security. Importing a labeled (where applicable) engine subject to the provisions of 40 CFR 1068.315(a), 85.1511(c)(1), 89.611(c)(1), 90.612(c)(1), or 94.804(c)(1). For certain types of tactical equipment, this exemption may require prior EPA approval.
- ☐ 3. Manufacturer-owned engine. Importing a labeled engine by an engine manufacturer holding a current U.S. EPA certificate of conformity, subject to the provisions of 40 CFR 1068.315(b), 85.1706, 89.906, 90.906, or 94.906.
- ☐ 4. Replacement engine. Importing a labeled engine by an engine manufacturer holding a current U.S. EPA certificate of conformity subject to the provisions of 40 CFR 1068.315(c), 85.1714, 89.1003(b)(7), 90.1003(b)(5), or 94.1103(b)(3). This exemption does not apply to locomotive engines.
- ☐ 5. Extraordinary circumstances/hardship. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(d), 85.1511(c)(2), 89.611(c)(2), 90.612(c)(2), or 1033.620. An EPA letter of approval must be attached.
- ☐ 6. Hardship for small-volume manufacturers. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(e) or 94.209(b). An EPA letter of approval must be attached to this form.
- ☐ 7. Equipment-manufacturer hardship. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(f), 89.102(f), or 94.209(b), or 1033.620. This may also apply to secondary engine manufacturers. An EPA letter of approval must be attached to this form.
- ☐ 8. Identical configuration. Importing an engine subject to the provisions of 40 CFR 1068.315(h), 89.611(c)(3), or 90.612(c)(3). Such an engine must be identical in all material respects to a U.S.-certified version as demonstrated by letter from the engine-manufacturer contact on the CBP list, subject to EPA review at CBPs' discretion. This exemption does not apply to locomotives or to stationary, highway, or marine compression-ignition engines. The applicable regulations may require that you own the engine for a certain period before and after importation.
- ☐ 9. Ancient engine. Importing an engine first manufactured at least 21 years earlier that is still in its original configuration, subject to the provisions of 40 CFR 1068.315(i), 89.611(f)(2), or 90.612(f)(2). This exemption does not apply to locomotives or to stationary, highway, or marine engines.

### Temporary Exemptions for Nonconforming Engines

The following temporary exemptions apply for importing nonconforming engines. EPA requests bonding with the U.S. Customs and Border Protection for the full value of the imported products to make sure you comply with applicable requirements.

- ☐ 10. Repairs or alterations. Importing an engine for repair or alteration subject to the provisions of 40 CFR 1068.325(a), 85.1511(b)(1), 89.611(b)(1), 90.612(b)(1), or 94.804(b)(1). An EPA letter of approval must be attached.
- ☐ 11. Testing. Importing an engine for testing subject to the provisions of 40 CFR 1068.325(b), 85.1511(b)(2), 89.611(b)(2), 90.612(b)(2), or 94.804(b)(2). Appropriate labeling is required for some engines and recommended for all engines. An EPA letter of approval must be attached.
- ☐ 12. Display. Importing an engine for display subject to the provisions of 40 CFR 1068.325(c), 85.1511(b)(4), 89.611(b)(4), 90.612(b)(3), or 94.804(b)(3). Appropriate labeling is required for some engines and recommended for all engines. An EPA letter of approval must be attached.
- ☐ 13. Export. Importing an engine for eventual export, subject to the provisions of 40 CFR 1068.325(d), 85.1709, 89.909, 90.909, or 94.909. NOTE: The engine and/or shipping container must be labeled or tagged to identify them as solely for export.
- ☐ 14. Diplomatic or military. Importing an engine subject to the provisions of 40 CFR 1068.325(e), 85.1511(d), 89.611(d), or 90.612(d). This exemption is limited to members of the armed forces or personnel of a foreign government on assignment to the U.S. for whom free entry has been authorized in writing by the U.S. Department of State, or for members of the armed forces of a foreign country with official orders for duty in the U.S. This exemption does not apply to locomotive or marine compression-ignition engines. An EPA letter of approval may be required.
- ☐ 15. Delegated assembly. Importing a labeled engine for delegated assembly subject to the provisions of 40 CFR 1068.325(f), 85.1713, or 1033.630. This exemption does not apply to handheld spark-ignition engines or engines for recreational vehicles.
- ☐ 16. Partially complete engine. Importing an engine not yet in its final configuration covered by a certificate of conformity (or an engine that will be installed in a vehicle covered by a certificate of conformity), subject to the provisions of 40 CFR 1068.325(g). This also applies to an engine covered by a valid exemption. A certificate holder may also import a partially complete engine from its foreign facility to its U.S. facility as described in 40 CFR 1068.325(g).

### Importation of Engines Excluded from U.S. EPA Emission Standards

- ☐ **17. Engine manufactured before emission standards started to apply.** These engines must generally have already been placed into service. See the attached schedule. Note that 40 CFR 1068.360 disallows importation of new engines not certified to current standards if the model year is more than one year before the year of importation.
- ☐ **18. Competition engine.** The engine must be used solely for competition, subject to the provisions of 40 CFR 1068.310(a), 85.1511(e), 89.611(e), 90.612(e), or 94.804(c)(2). An EPA letter of approval must be attached.
- ☐ **19. Stationary compression-ignition engine with displacement at or above 30 liters per cylinder or stationary spark-ignition engine above 19 kW that is not designed to run on gasoline or, if rich-burn, on liquified petroleum gas.** These stationary engines are subject to EPA emission standards under 40 CFR Subparts IIII and JJJJ, but are not required to be certified. The engine must be used in a stationary manner. See 40 CFR 60.4219, 60.4248 and 1068.310(b). The engine must be labeled as described in 40 CFR 1039.20 or 1048.20, as applicable. NOTE: Stationary engines may be subject to state or local regulations.
- ☐ **20. Underground mining.** Engine must be used in underground mining and regulated by the Mining Safety and Health Administration (MSHA). See 40 CFR 89.1 and 1039.5; see also 30 CFR parts 7, 31, 32, 36, 56, 57, 70, and 75. For compression-ignition engines only.
- ☐ **21. Hobby engine.** Engine must be used to power a reduced-scale model of a vehicle not capable of transporting a person. See 40 CFR 1068.310(c), 89.1(b)(5), and 90.1(d)(6).

### Exemptions for Specific Engine Categories or Other Special Cases

- ☐ **22. Transition Program for Equipment Manufacturers.** Importing a piece of equipment, subject to the provisions of 40 CFR 89.102 or 40 CFR 1039.625 and 1039.626 (Category D) or 40 CFR 1054.625 and 1054.626 (Category G, 2011 through 2014). Maximum engine power (only for compression-ignition engines): ☐ kW ☐ HP (or identify the regulatory power category). Exempt from bond? ☐. If not exempt, NAIC # for bond issuer: , policy number: , state of issue: .
- ☐ **23. Personal-use exemption for small spark-ignition engines.** Importing three or fewer nonroad spark-ignition engines at or below 19 kW for purposes other than resale, where the importer has not used this exemption in the previous five years, subject to the provisions of 40 CFR 1054.630.
- 24. Engine imported by an Independent Commercial Importer recognized by EPA.** Only for Categories A and D above.
- ☐ **24a.** For modification under an EPA certificate issued for the specific make, model, and model year under 40 CFR 85.1505, 89.605 or 1039.660.
- ☐ **24b.** For modification and testing according to 40 CFR 85.1509, 89.609, or 1039.660. NOTE: The imported engine must be at least 6 years old.
- ☐ **24c.** For precertification testing to obtain an EPA certificate under 40 CFR 85.1511(b)(3), 89.611(b)(3), or 1039.660. NOTE: CBP bond is required. Specify location of storage (required for 24a and 24b):
- NOTE: Under 24a and 24b, you may import up to five highway engines and five nonroad engines in a given model year that are certified to standards based on an engine's original production year. You may import any number of engines certified to standards that apply based on the year the engine is modified. See 40 CFR 85.1503 and 89.603.
- ☐ **25. Other exemption.** Describe the exemption, attach EPA approval (if applicable), and identify the regulatory cite:

### Declaration of Stationary, Nonroad or Heavy-duty Highway Engine, Nonroad Vehicle or Equipment, or Stationary Equipment

Port code: <small>Format: 9999 1000 1000 1000 1000</small>	CBP entry no: <small>Format: XXX-88888888-0 1000 1000 1000 1000 1000 1000 1000 1000</small>	Entry date: <small>Format: mm/dd/yyyy 1000 1000 1000 1000 1000 1000</small>	Engine manufacturer; model and serial number of each engine; for certified engines or vehicles, also identify the engine family name:
Identify the engine (or vehicle) build date: ____ month ____ year <input type="checkbox"/> on engine <input type="checkbox"/> other (explain)			Vehicle or equipment manufacturer; model, serial number, and type of equipment (if applicable):

### Names, Addresses, and Telephone Numbers of Relevant Parties

**Certification:** I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, the importer, or an agent of the owner or importer.

Signature:	Printed name:	Date: <small>Format: mm/dd/yyyy 1000 1000 1000 1000 1000 1000</small>
Identify the name, address, phone number, and e-mail address for the importer, broker, and owner as applicable:		
Importer (required):	Broker (optional):	Owner (optional):



**Penalties:** (1) Anyone who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$270,000 or imprisoned for up to 5 years, or both (18 U.S.C. 1001). Anyone who illegally imports an engine may be fined up to \$32,500 per engine (42 U.S.C. 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 1068.335, 89.612, 90.613, 94.805), and the engine is subject to seizure by CBP (19 CFR 162.21). (2) Anyone who distributes in commerce, sells, offers for sale, or introduces into commerce an engine subject to EPA certification requirements but not covered by a certificate of conformity, may be fined up to \$32,500 per violation (40 CFR 1068.101(a), 89.1006, 90.1006, 94.1106). (3) Any person who circumvents or attempts to circumvent residence-time requirements for stationary engines may be fined up to \$32,500 per day of violation (40 CFR 1068.101(b)(3), 89.1006(a)(5), 90.1006(a)(5)).

**Information collection:** This information is collected to ensure that engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (Clean Air Act sections 202, 203, and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded as described in 40 CFR part 2. The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

### Schedule for Application of New Emission Standards for Certifying Engines and Vehicles

Engine category	Engine subcategory	Manufacturing date after which emission standards start to apply
A. Heavy-duty highway engines	—	Model year 1970
B. Locomotives or locomotive engines	—	January 1, 1973
C. Marine compression-ignition engines at or above 37 kW	<b>Commercial:</b> displacement < 0.9 L/cyl	Model year 2005
	<b>Commercial:</b> $0.9 \leq$ displacement < 2.5 L/cyl	Model year 2004
	<b>Commercial:</b> displacement $\geq$ 2.5 L/cyl	Model year 2007
	<b>Recreational:</b> displacement < 0.9 L/cyl	Model year 2007
	<b>Recreational:</b> $0.9 \leq$ displacement < 2.5 L/cyl	Model year 2006
	<b>Recreational:</b> $2.5 \leq$ displacement < 5.0 L/cyl	Model year 2009
D. Other nonroad compression-ignition engines.	<b>Marine compression-ignition engines:</b> Power < 19 kW	January 1, 2000
	<b>Marine compression-ignition engines:</b> $19 \text{ kW} \leq$ Power < 37	January 1, 1999
	<b>Nonroad engines:</b> Power < 19 kW	January 1, 2000
	<b>Nonroad engines:</b> $19 \text{ kW} \leq$ Power < 37	January 1, 1999
	<b>Nonroad engines:</b> $37 \text{ kW} \leq$ Power < 75	January 1, 1998
	<b>Nonroad engines:</b> $75 \text{ kW} \leq$ Power < 130	January 1, 1997
	<b>Nonroad engines:</b> $130 \text{ kW} \leq$ Power $\leq$ 560	January 1, 1996
	<b>Nonroad engines:</b> Power > 560 kW	January 1, 2000
E. Marine spark-ignition engines.	Outboard	Model year 1998
	Personal watercraft	Model year 1999
	Stern-drive/inboard	Model Year 2010
F. Recreational spark-ignition engines and vehicles	—	Model year 2006
G. Other nonroad spark-ignition engines at or below 19 kW	—	Model year 1997
H. Other nonroad spark-ignition engines above 19 kW	—	Model year 2004
I. Stationary compression-ignition engines	—	April 1, 2006
J. Stationary spark-ignition engines	All engines with maximum engine power $\leq$ 19 kW Non-emergency engines with maximum engine power between 19 and 373 kW	July 1, 2008
	Non-emergency engines with maximum engine power $\geq$ 373 kW	July 1, 2007
	Emergency engines with maximum engine power > 19 kW	January 1, 2009



## Decision flowchart for vehicles

### 1. Is it a motor vehicle?

§85.1703: A vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle:

- The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or
- The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or
- The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

-If yes, 40 CFR parts 85 and 86 apply.

-If not, see #2.

### 2. Is it an off-highway motorcycle or snowmobile?

§1051.801: Off-highway motorcycle means a two-wheeled vehicle with a nonroad engine and a seat (excluding marine vessels and aircraft). (Note: highway motorcycles are regulated under 40 CFR part 86.)

§1051.801: Snowmobile means a vehicle designed to operate outdoors only over snow-covered ground, with a maximum width of 1.5 meters or less.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with off-highway motorcycles or snowmobiles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #3.

### 3. Is it an offroad utility vehicle?

§1051.801: Offroad utility vehicle means a nonroad vehicle that has four or more wheels, seating for two or more persons, is designed for operation over rough terrain, and has either a rear payload capacity of 350 pounds or more or seating for six or more passengers. Vehicles intended primarily for recreational purposes that are not capable of transporting six passengers (such as dune buggies) are not offroad utility vehicles. (Note: §1051.1(a) specifies that some offroad utility vehicles are required to meet the requirements that apply for all-terrain vehicles.)

-If yes, see #4.

-If not, see #5.

### 4. Is the offroad utility vehicle subject to part 1051?

§1051.1(a)(4) Offroad utility vehicles with engines with displacement less than or equal to 1000 cc, maximum engine power less than or equal to 30 kW, and maximum vehicle

speed higher than 25 miles per hour. Offroad utility vehicles that are subject to this part are subject to the same requirements as ATVs. This means that any requirement that applies to ATVs also applies to these offroad utility vehicles, without regard to whether the regulatory language mentions offroad utility vehicles.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with offroad utility vehicles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #6.

### 5. Is it an all-terrain vehicle?

§1051.801: All-terrain vehicle means a land-based or amphibious nonroad vehicle that meets either of the following criteria:

(1) Vehicles designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering controls, and intended for use by a single operator and no other passengers are all-terrain vehicles.

(2) Other all-terrain vehicles have three or more wheels and one or more seats, are designed for operation over rough terrain, are intended primarily for transportation, and have a maximum vehicle speed of 25 miles per hour or higher. Golf carts generally do not meet these criteria since they are generally not designed for operation over rough terrain. NOTE: Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with all-terrain vehicles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #6.

### 6. Does it have a spark-ignition engine?

§1054.801: Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

-If yes, see #7.

-If not, it is subject to standards for diesel engines (marine, locomotive, or other land-based nonroad).

### 7. Is it a marine vessel?

§1054.801: Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles [See #5]. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

-If yes, part 1045 applies.

-If not, the engine is subject to standards for Small SI or Large SI engines, depending on the maximum engine power and total displacement.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

99-005

MERLYN L LUKE  
10412 HEADLY COURT  
FAIRFAX, VA 22032

APR 28 1997

OFFICE OF  
AIR AND RADIATION

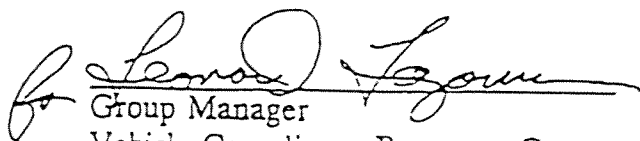
Dear Vehicle Owner:

This letter is in response to your recent inquiry regarding the compliance status of an imported vehicle. Our records indicate that although the Environmental Protection Agency (EPA) may lack sufficient information to determine whether the vehicle described below meets Federal emission requirements, the vehicle has been exempted or excluded from EPA importation requirements and has been or is eligible to be finally admitted into the United States.

1983 MERCEDES BENZ 280TE  
VIN: WDB12309310013067

If importing the vehicle, you must attach a copy of this letter to the EPA entry form 3520-1 provided to the U.S. Customs Service (Customs), and should keep the original for your records. This letter may be needed for future registration or sale of the vehicle, and therefore we advise you to keep a copy with the vehicle registration, and furnish it to future purchasers of the vehicle. This letter does not release the importer from the obligation to comply with Federal safety standards, pay applicable gas guzzler taxes or comply with applicable state or local emission requirements, nor does any other letter issued by EPA exempt an importer from these requirements.

Sincerely yours,

  
Group Manager  
Vehicle Compliance Programs Group  
Vehicle Programs & Compliance Division

1-C (3/96)

ATTACHMENT

4



## Importing Vehicles and Engines

You are here: [EPA Home](#) [Transportation and Air Quality](#) [Importing Vehicles and Engines](#) EPA Kit Car Policy

### EPA Kit Car Policy

July 8, 1994 -

Previous versions are obsolete

The following represents a clarification of EPA's policy concerning the regulation of imported and domestically produced kit cars and kit car packages. Kit vehicles are understood by EPA to typically involve new bodies, used drivetrains and new or used chassis. Used components may or may not be refurbished. This policy applies to kits or assembled kit cars only. This policy does not apply to regular production vehicles offered for importation into or produced in the United States.

1. Fully-assembled kit cars are "motor vehicles" under the Clean Air Act. Complete kit car packages are also "motor vehicles" under the Clean Air Act. These are packages which contain all of the major components needed for assembly (i.e., body, chassis, engine and transmission). As "motor vehicles" they are subject to all applicable emission regulations. If an assembled kit car or complete kit car package is offered for importation and the kit is not covered by an EPA certificate of conformity issued to an original equipment manufacturer, an EPA Form No. 3520-1 must be filed at the port of entry and the vehicle must be imported by an Independent Commercial Importer (ICI) eligible to import such vehicles or kits. The ICI then must ensure that the vehicle or kit complies with all applicable emission requirements.
2. An assembled kit car or complete kit car package which meets the following guidelines will be considered to be a rebuilt vehicle of a previously certified configuration and will be considered to be covered by that configuration's original EPA certificate of conformity.
  - a. The components of the drivetrain (engine, transmission, differential) must be exclusively or substantially used and/or rebuilt. **Regardless of the combination of new and used components, the engine must be used or rebuilt.** The engine block and cylinder head(s) must be used, other components of the engine may be new. "Used" means the component has been in a vehicle that has been titled to an ultimate purchaser. A rebuilt component is defined as a used component which has been refurbished with new or other used parts.
  - b. All emission-related components and settings must conform in all material respects to those of one previously certified configuration. Therefore, all part numbers for the emission-related components of a fully assembled kit vehicle or complete kit car package must match or be traceable to the numbers specified in the application for certification of a previously certified configuration.
  - c. Consistent with EPA Advisory Circular (AC) 64, which deals with modifications performed before sale to the ultimate purchaser, the vehicle weight of the kit configuration can be no more than 500 pounds greater than the weight of the originally certified configuration.
  - d. All catalytic converters, oxygen sensors, and charcoal canisters must be new, original equipment parts.
  - e. Kit vehicles must: (1) have the same transmission configuration (i.e., manual, automatic, semi-automatic, number of forward gears, and shift calibration) as the originally certified configuration; and (2) consistent with AC 17F, have an N/V ratio (speed of vehicle in miles per hour/speed of engine in revolutions per minute) which matches the N/V ratio of the originally certified configuration within three (3) percent in every gear.\*

\*The Agency would consider minor variations to these limitations upon an appropriate demonstration that the altered configuration will meet Federal emission requirements.
  - f. Each vehicle and its accompanying documentation must be clearly labeled as to the make, model year, engine family, subfamily, and tune-up specifications represented by the originally certified vehicle.
  - g. If the originally certified configuration required unleaded fuel, then the vehicles must have fuel filler neck restrictors and unleaded fuel labels which meet the requirements of 40 CFR 80.24.
3. The production, sale and importation of automotive bodies alone (i.e., no chassis, engine or transmission) are not regulated by EPA since such units are not considered "motor vehicles"

under the Clean Air Act. EPA form 3520-1 is not required for imported automotive bodies. A motor vehicle from which the engine has been removed is still a motor vehicle and is not considered a body.

<http://www.epa.gov/otaq/imports/kitcar.htm>  
Last updated on Friday, August 17, 2007

4. The production, sale and importation of vehicle parts (engines, transmissions, chassis, vehicle bodies, etc.) are not regulated by EPA because parts are not considered motor vehicles under the Clean Air Act. However if the parts constitute a disassembled vehicle or an approximate disassembled vehicle, the combination is considered a motor vehicle under the Clean Air Act. Any attempt to use this policy to circumvent the Clean Air Act or the Imports regulations will be considered a violation of the Clean Air Act and will be strictly enforced. An example of such circumvention is:

A kit car maker who also provides the engine and transmission before or after production/importation of the body/chassis.

5. "Motor vehicles" must comply with the Clean Air Act and may not be disassembled nor purchased in a disassembled form for the purposes of evading the Clean Air Act or the Imports regulations. In these situations the kit car body/chassis combination must be certified by the manufacturer, must be in a configuration which was previously certified by EPA subject to the guidelines discussed at "2" above or, in the case of an importation, an EPA form 3520-1 must be filed at the port of entry and the vehicle imported by an eligible ICI who must ensure that the kit car body/chassis complies with all applicable emission requirements. At the present time, there are no ICIs eligible to import kit cars.
6. Except with regard to kit vehicles meeting the guidelines at "2" above; an individual or firm that assembles kits for hire or resale, that produces assembled kit cars for resale or that produces complete kit car packages for resale will be considered to be a manufacturer of new motor vehicles under the Clean Air Act. Such manufacturers and their vehicles are subject to all applicable regulations under the Act including civil penalties of up to \$25,000 per vehicle for each new motor vehicle distributed in commerce, sold, offered for sale, or introduced, or delivered for introduction, into commerce, unless such vehicle is covered by a certificate of conformity issued by EPA.

### **KIT CAR POLICY SUPPLEMENT**

The supplement contains definitions from the Clean Air Act and justification used to derive the position of the Kit car Policy.

Section 216 (1) defines a "manufacturer" as."any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicle or engines for resale."

Section 216 (2) defines a "motor vehicle" as ."any self-propelled vehicle designed for transporting persons or property on a street or highway."

Section 216 (3) defines a "new motor vehicle" as..."a motor vehicle the equitable or legal title to which has never been transferred to the ultimate purchaser."

Section 216 (5) defines a "ultimate purchaser" as."the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale".

Section 203(a)(1) prohibits:."in the case of a manufacturer of new motor vehicles...the sale, or offering for sale, or the introduction, into commerce..any new motor vehicle...unless such vehicle.is covered by a certificate of conformity.."

Section 205 states.."any person who violates Section 203(a)(1)..shall be subject to a civil penalty of not more than \$25,000...Any such violation...shall constitute a separate offense.."

«Date»

«Title» «FirstName» «LastName»  
«Address1»  
«City», «State» «PostalCode»

Dear «Title» «LastName»:

I have enclosed an exemption memorandum which you may send to the Virginia Department of Motor Vehicles in order to obtain your vehicle registration without the emissions inspection. This exemption is based on the understanding that your vehicle is a non-U.S. model vehicle which was not manufactured to meet emissions standards set or approved by the federal government, as derived from the documents you submitted pertaining to this vehicle, and/or by staff observation and verification of the vehicle.

A copy of the memorandum should be kept with your other importation documents for future reference as may be necessary. If you need to contact the Department in reference to this matter, please include the "control number" in the upper right corner of the memorandum.

If you have any questions or need additional information, please don't hesitate to contact the Mobile Source Operations Section at (703) 583-3900 or toll-free in Virginia at 1-800-275-3844.

Sincerely,

J. Michael Thompson, Jr.  
Program Manager

JMT/«TypedBy»  
cc: «NCNo»

«Date»

Memorandum

To: Virginia Department of Motor Vehicles

From: J. Michael Thompson, Jr.  
Program Manager

Subject: Exempted Vehicle

A representative of this office has reviewed the importation documentation of the vehicle identified below, as submitted by the vehicle owner, and/or has observed the vehicle, and has determined based on such documentation and/or observation that it was not manufactured to meet emissions standards set or approved by the federal government and thus meets the exemption criteria of Section 46.2-1177, Sub-Paragraph 3, of the Air Pollution Control Law of Virginia. Therefore, an emissions inspection is not required under the current Virginia Vehicle Emissions Inspection Program in order to be registered.

Vehicle Year/Make/Model: «VehYrMakeModel»  
Vehicle Identification Number: «VIN»  
Verified by: «VerifiedBy»

Please allow this vehicle to be registered without a Vehicle Emissions Inspection Report. If there are any questions, please feel free to contact this office at (703) 583-3900.

JMT/«TypedBy»  
cc: file